

# The Nation.

NEW YORK, THURSDAY, APRIL 3, 1879.

## The Week.

THE Senate has accomplished nothing besides half-attempting a debate of Mr. Hoar's resolution declaring it revolutionary for either house to withhold appropriations as a means of coercing the other house and the President; or for both houses to do the same thing for the purpose of coercing the President. Mr. Beck objected to the debate because of the absence of Mr. Thurman, the chairman of a committee having the revolutionary business in charge. As this committee was a caucus committee unknown to the Senate, the excuse was received by the Republicans with equal hilarity and indignation. But all the same, the Senate's occupation depends on this extraneous body. The House began on Thursday the discussion of the Army Bill in Committee of the Whole, and quickly disposed of the few trifling amendments offered. The repeal of the one obnoxious phrase in the Act of February 25, 1865, though objected to as not germane and not obviously a retrenchment of expenses, was ruled to be in order by Mr. Springer, who had the chair, and the discussion began.

Mr. Garfield delivered one of his effective speeches in the House on Saturday, in opposition to the Democratic plan of tacking on a repeal of the law permitting the use of the army to preserve order at the polls to the Army Appropriation Bill, maintaining by the familiar arguments that it was an unconstitutional attempt to coerce the President. The weak point in his case was that it was based on the assumption that the President will surely refuse to sign the bill in this shape. But we believe nothing is as yet known to warrant this assumption. If he sees nothing objectionable in the repeal, he will sign, for it is agreed by both parties that there is nothing objectionable or unusual *per se* in tacking on legislation to Appropriation Bills. It has been done frequently as a matter of convenience. If, therefore, the President signs cheerfully, he will make the Republicans look rather foolish. It is quite possible, and in fact not improbable, that he will do so, for the Republicans themselves were willing to yield last session nearly everything the Democrats are contending for in order to avoid an extra session. Mr. Garfield's strongest point was that the bill it was proposed to repeal had been introduced, in 1865, by a Democrat, and that many leading Democrats had supported it; but this is hardly ingenuous. The Democrats had no difficulty in showing that the bill was a measure of restriction on the previously unlimited power in the use of the Army at the South exercised by the President, and therefore a clear gain for their side. There is a lamentable want of seriousness on both sides in the whole business. The Democratic pretence that the Act, after existing fourteen years, threatens our liberties and must be repealed in April, 1879, if this Republic is to get through the summer, is about equalled by the Republican pretence that sticking it to an Appropriation Bill is in itself "revolutionary." The debate now going on ought to have taken place after the President had vetoed the bill. Beginning it now is evidently part of the process of "firing the Northern heart." The readiness of the Democrats to fall into the Republican traps—witness Mr. Randolph Tucker's proposal to make ex-Confederates eligible for commissions in the Federal Army—it must be admitted goes far to excuse the Republicans for setting the traps.

The measure which now forms the bone of contention is entitled "An Act to prevent officers of the Army and Navy and other persons engaged in the military or naval service of the United States from interfering in elections in the States." It was approved February 25, 1865, by President Lincoln, but Senator Powell, of

Kentucky, announced his intention to introduce it as early as December 9, 1863, that is, immediately after the opening of the first session of the 38th Congress, and actually brought it in (as Senate Bill No. 37) on January 5, 1864. The author of it began by offering two amendments designed to propitiate the majority, both of which were adopted. The first section originally read:

"That it shall not be lawful for any military or naval officer of the United States, or other person engaged in the civil, military, or naval service of the United States, to order, bring, keep, or have under his authority or control any troops or armed men at the place where any general or special election is held in any State of the United States."

Mr. Powell moved to add: "unless it shall be necessary to repel the armed enemies of the United States." He also reduced the penalties affixed to a violation of the prohibition. Senator Pomeroy, of Kansas, recalling the practice of Democratic sheriffs, while that State was a Territory, of surrounding the polls with a large armed posse to overawe Free-State voters, moved to add the further qualification: "or to keep the peace at the polls," his sole object being, he said, to prevent collisions. This was adopted, by Republican votes only, and the bill finally passed on the same day by 19 to 13. Still another debate arose on the following day on a motion to reconsider, made by Senator Harlan, which was lost by yeas 19, nays 23. The bill was referred in the House to the Judiciary Committee, which reported it favorably at the next session, on February 22, 1865, when on motion of the chairman, Mr. Wilson, of Iowa, it was passed *without debate* under the previous question by 113 to 18, among the nays being Messrs. Ashley, Winter Davis, Garfield, Kelley, and Thaddeus Stevens.

The issue raised by the bill was the constitutional right of the commander-in-chief to determine the qualifications of voters and control the elections in loyal States; and the grievance complained of was not imaginary, nor was it contested by the Republicans in the debate. Under various generals—Burnside in Kentucky, Schofield in Missouri, McClellan and Dix in Maryland, and Dix and Schenck in Delaware—the right of the military authorities to protect Union voters and to purge the polls of rebel sympathizers and returned rebels, by imposing oaths of allegiance and making arrests, was asserted and exercised. There was no constitutional excuse for this except constructively under the "war-power"; and the Republicans were frank enough to admit it, Senator Harlan even saying:

"In a time of peace, I agree, there being no necessity for the exercise of this tutelary authority which I have referred to, it would be incompetent for Congress to pass any law relating to the qualification of electors in any State, or in any way regulating their elections."

A conscientious perception of this, joined to the confidence in the speedy overthrow of the rebellion inspired by the midsummer victories of Gettysburg and Vicksburg, doubtless led Senators Grimes, Hale, Harlan himself, Harris, Pomeroy, Trumbull, and Wade to vote for the bill; just as a desire to evade the constitutional argument led the Republicans primarily to refuse to refer the bill to the Judiciary Committee, giving it instead to Senator Wilson's Committee on Military Affairs. Senator Pomeroy's amendment, a purely casual one, was of course deprecated and opposed by the Democrats, who insisted that the State authorities could keep the peace at the polls, and that the amendment would nullify the main object of the bill. In fact, however, they consented to give a positive and definite sanction to military interference rather than lose the bill. A year later, on the eve of the collapse of the rebellion, when the Border States had ceased to be a concern to the Unionists, and above all when Mr. Lincoln had been re-elected, the House cared little for the enactment one way or the other. No one foresaw its bearing on the momentous question of Federal police, in time of peace, at elections for Federal officers, then conceded to be under the "tutelary authority" of the States; nor did any one who op

posed it as reactionary, dream that it would one day be defended as (to borrow the happy phrase of the New York *Staats-Zeitung*) an instrument of "historical development."

They are having a delightful time in Congress on both sides, in the complete absence of all serious business. One side is giving loud utterance to the "rebel yell," while the other is rescuing Anthony Burns from the custody of the United States Marshal in Boston. A little paper in Mississippi, the *Okolona Gazette*, said to be edited by an Ohio carpet-bagger, and enjoying a circulation of three hundred and fifty, has been "thanking" God that the Confederates have at last "captured the Capitol." Mr. Frye, of Maine, had the article solemnly read at the Clerk's desk, but warned the rebels on the other side that they had not got possession of the Capitol yet, and "under God" they never would. This brought great applause from the Republican side. Mr. Chalmers, of Mississippi, compared Mr. Conger to a court-jester, thus greatly encouraging the Democrats, but they were bitterly cast down when Conger retorted by comparing Chalmers to a monkey on a hand-organ, which correspondingly elated the Republicans. The Republicans are likely to be helped by a kind of mania among the negroes, which is leading them to quit Louisiana and Mississippi in great numbers, some who are well-off selling everything they have at a sacrifice in order to get away to Kansas. Two thousand are said to have reached St. Louis in a state of great destitution. According to the rebels, this is all due to the machinations of Yankee agents; according to the Union soldiers, it is due to a desire to escape from bull-doing and cheating. Whichever it be, it is pretty certain that the great majority of the poor people will not better their condition, as in Kansas they will be brought into competition with some of the most energetic labor in the world.

The evidence of Mr. Gorham, the Secretary of the Republican Executive Committee, before the Wallace Committee is edifying reading from the civil-service reform point of view. The assessing of Government employees for political purposes has been positively forbidden by statute, but the Republican Committee seems to have considered the statute a sort of joke and their liberty of action complete. Gorham says their "feeling against assessments" was unanimous, and they magnanimously resolved that the contributions should be "voluntary." They accordingly sent round agents to dun the unfortunate and poorly-paid clerks, and actually raised one per cent. from them on their salaries, amounting in all to \$93,000. The whole campaign fund raised amounted to only \$106,000, so that all which that portion of the party which does not get its living out of the public Treasury contributed to save the country from the Democratic "revolutionists" was \$13,000. The rest was extorted from the civil servants of the Government, who have of right no more interest in saving the country than anybody else, and who are already wretchedly paid. Moreover, Gorham perverted the money, for he used some of it to circulate very silly twaddle of his own, in which he sought to belittle the financial question and encourage the inflationists. And yet when the Democrats come into power there will be a great outcry if they dismiss from the public service the persons whose salaries furnished last year eighty-eight per cent. of the total cost of the Republican canvass.

Tilden has been unusually active of late for an old paralytic with "transparent hands" and all his faculties gone except his memory. After procuring the election of a "notorious squire" in the Philadelphia municipal election and getting the keeper of the Auburn Penitentiary dismissed, he brought about the election of Mr. Randall as Speaker of the House and got Congressman O'Reilly put out of the Brooklyn Board of Aldermen; had the Police Commissioners called on to show cause why they should not be removed, and had Gumbleton the County Clerk dismissed and the office seized at daybreak by Thompson. He then redistricted the State of Indiana, "sold out" of the Elevated Railroad, making a profit of three

millions, and put a Democrat into a Florida seat in the House which rightly belonged to a Republican, and is now trying to coerce the President by tacking revolutionary legislation to appropriation bills. In addition to this he is directing the operations of a large band of hired men who are disseminating falsehoods invented by himself. These are only a few of his public "moves." His private "moves" are not, of course, easily watched, but they are far more numerous and nefarious, and consist of various forms of fraudulent speculation and railroad and steamboat wrecking. He probably in leisure moments sends little boys to the banks with forged checks, and waits round the corner for the money. It is a favorite trick with him to give out after "a move" that it is Green's or some other man's "move," inasmuch as if his own hand were in it it would have been done differently, and so on.

The appointment of Mr. Andrew D. White to the Berlin mission is a very fortunate solution of what the Administration has, we believe, found a very troublesome problem. Mr. White is a gentleman whose character and attainments and position fully fit him for the place, and he is a graduate of the University of Berlin, and will, therefore, be at home among German scholars, as well as among German statesmen. The one flaw in his equipment is his respect for Mr. Roscoe Conkling as a politician, which in an educated man is hard to understand, and must in charity be set down to youthful associations and memories. It is difficult to believe that anybody who thinks Mr. Conkling a statesman can have a very high political ideal; but Mr. White's political ideal, nevertheless, is high, and he preaches it with courage and fervor on all proper occasions. Few men in the country have given more attention to the philosophy of politics, or have done more to promote the study of it. But we doubt much if he has mastered the Arthur-Cornell case, or if Mr. Conkling would consider anybody who was not familiar with it fit for a high public office.

A Justice of the Court of Appeals has been shot dead in the public street in Kentucky by a defeated litigant. In Georgia, the other day, a leading citizen was shot because he used a power of attorney for the sale of a contract. In Virginia, a young man in a shoe-store has been killed for not admitting that he had insulted a lady, whose name was not communicated to him, when fitting a pair of boots. In Texas, two peaceable men, actors, have been shot by a "detective" for objecting to having a lady who was travelling with them called names. The affrays in the public streets—that is, of attempts to kill which are not successful—which are reported in the Southern papers, are almost beyond counting. An ex-Congressman, who committed suicide in Tennessee the other day, slew himself with a pistol he had borrowed from a friend on the pretence that he expected "a difficulty," that is, a fight with somebody on the public high-road like a breech-clouted Sioux or Zulu. It is only within a month that order has been restored in Breathitt County, Kentucky, by the militia; the male inhabitants of that district having passed the previous year literally in lying in wait for each other with guns behind bushes and banks.

The newspapers condemn these things, but only in a half-hearted way, for the simple reason that public opinion at the South does tolerate murder as an expression of hatred, and only reprobates and punishes it when it is a means or accompaniment of robbery or rape. The Southern community is, in short, on this subject, in a condition of gross barbarism, as low as that of Kurdistan and lower than that of the Corsican mountaineers. If it supposes that any permanent and abounding prosperity can come to a region in which life is held so cheap it is hugely mistaken. No country in the world has yet prospered until it gave up the practice of assassination. Even in duelling countries like France a man need not fight if he does not please to do so. It is only in Asia Minor and the mountain regions of Afghanistan and the Southern States that persons are liable to be "shot on sight" if their neighbors are displeased with them. We had hoped in this part of

the world that these savage "ante-bellum" customs were dying out, but they seem to be strong as ever. What the South needs even more than capital or immigration appears to be a stock of skilful and industrious hangmen. Pennsylvania in hanging nineteen "Mollie Maguires" within the last two years for killing people whom they disliked in a business way, put the imperilled prosperity of the State on a sure and lasting foundation. The old joke about the shipwrecked sailor who "thanked God he was in a civilized country" because when he got ashore he saw a gibbet with a man hanging on it, was not so much of a joke as it seems. Plenty of gibbets with one murderer at least on each is what the South needs for that much-talked of job, "the restoration of her waste places."

The Virginia State debt has at last been settled by the passage of the McCulloch bill. Registered and coupon bonds are to be issued, dated January 1, 1879, the principal payable in 1919, with interest at three per cent. for ten years, four per cent. for the next twenty years, and five per cent. for the last ten years. The State has the option to redeem any or all of the bonds by paying the principal and accrued interest at any time after the expiration of ten years from January 1, 1879. The coupons will be receivable at maturity for all taxes and dues of the State, and the bonds and coupons are non-taxable. This settlement has been violently opposed by a party known as the *Forcible Readjusters*, who objected to any rate of interest greater than three per cent. and to the tax-receivable feature of the coupons. They prevented the passage of the bill during the regular session of the Legislature, thus making an extra session necessary at an expense of \$40,000 to the embarrassed treasury of Virginia, and this too when they were pretending that the State could not afford to pay the interest on its debts. On the other hand, the press and members of the Conservative party, which contains the best elements of the people, have all along been as strongly in favor of an honest and speedy settlement as the bondholders could desire, and it is through their perseverance that the difficulty has been satisfactorily solved. The bill is, in fact, satisfactory enough. The State can now pay three per cent. without any additional taxation, and time is given for recuperation before any increase of interest is made. The bondholders are secured by the tax-receivable feature of the coupons.

In Wall Street the money market has been seasonably active during the week, but the usual drain of currency from the New York banks was felt more than usual because of the previous drains into the Treasury on account of 4 per cent. bond subscriptions, and the shipments last week to New Orleans to fortify the banks of that city. The reserve of the New York banks was reduced last week to about \$3,000,000, the lowest for several years. As settlements to the extent of \$150,000,000 on account of the refunding operations of January were due in the month of April there was considerable anxiety, and the Secretary of the Treasury early in the week instructed the Treasurer in a way that should relieve apprehension. In short, he directed that no money should be drawn from the banks in payment of 4 per cent. bonds until money had been paid out by the Treasury for 5-20 bonds redeemed. This was a valuable guarantee, and when it became known on the last day of March that a very large part of the April settlements had been anticipated the public mind became settled, and the fact that money commanded fully 7 per cent. was looked upon as a temporary matter, to be relieved soon by the Treasury payments and the ordinary commercial currents of money; these currents run towards New York from the middle of April until midsummer. Notwithstanding dear money the Stock Exchange markets were strong, and even sterling bills advanced. The subscriptions to the 4 per cent. bonds began late in the week, and a call for the redemption of another \$10,000,000 of 5-20s was issued, making \$280,000,000 issued this year. The London silver market early in the week was strong, the price rising from 49½d. to 50½d. per oz.; later there was a decline to 49½d. At the close of the week the bullion value of the 412½-grain silver dollar was

\$0.8391; the highest for the week was \$0.8469; and the lowest, \$0.8372.

In England the Ministry won an easy victory in the Lords on a motion censuring Sir Bartle Frere, the High Commissioner at the Cape, for having brought on the war with Cetewayo (pronounced Ketchwo) by sending him an ultimatum which the Home Government had not seen, and disapproved of when it did see it. He was defended successfully by the plea that it was the one mistake of an able man who had rendered inestimable service in bringing about the Confederation of the South African Colonies, and that the Government would not be bound by it in their future dealings with the Zulus. Since then the weightier charge of having begun the war before he was ready has been made against him, with the support derived from the Isandula disaster, and he has been debated in the Commons, but the Government again escaped with a majority of 306 to 246, which is less than it has yet had and is really a defeat. The Marquis of Hartington made a strong point against them that Sir Bartle Frere had submitted plans of campaign as early as January 9, which must have made them aware that he was bent on an early fight. The public is waiting with much anxiety for news from Colonel Pearson, who was in command of one of the invading columns when the Isandula disaster occurred, and was left high and dry by it at Elkowe, a place about forty miles from the frontier. He is entrenched there with thirteen hundred men, and a supply of provisions which must be run out by this time. A relieving column was about to start at the date of the last advices.

The gloom in the commercial situation in England continues unabated, and the process of reducing wages in all trades to the point at which successful competition in foreign markets will become possible, goes on relentlessly, in spite of the desperate resistance of the operatives by strikes. Within the present year the reduction will probably be complete. Lord Beaconsfield, speaking in the House of Lords on the agricultural depression, put the depreciation of property in the landed interest at \$400,000, and estimated the amount of land which has gone out of cultivation at 1,000,000 acres. The prevailing feeling of uneasiness is being intensified every day by the revelations of weakness among the joint-stock banks. The Mercantile Bank of India, London, and China announces that it is in difficulties and will have to use up its reserve in getting out of them. The Oriental Bank, a short time ago, made a similar announcement, and this gives the final shake to the credit of the Eastern trade. The unfortunate shareholders of the Glasgow Bank have received a final call for \$10,500, which it is supposed will ruin all who still survive. What makes this catastrophe all the more shocking is that a considerable number of the shareholders held the shares simply as trustees, under marriage settlements and the like; but the law holds them personally liable, to the last cent of their personal property.

The Bulgarians have now, it is said, fully seventy thousand men under arms, and fairly drilled; and there is every reason to believe that if disturbances broke out in Eastern Rumelia they would be used against the Turks. The fact of the existence of this force, too, renders disturbances in Eastern Rumelia all the more likely, and the people have given unmistakable signs of their determination not to let the Turks occupy the Balkans peaceably. This has so far disarranged the Beaconsfield programme that the Powers have agreed that a joint occupation of the province will be necessary to prevent Turkey from having to fight for this remarkable bulwark against Russian aggression. England, Austria, Russia, and Turkey are to furnish twenty-five hundred men each for this purpose; the Russian contingent to occupy the Balkan side. Turkey is much troubled by this arrangement, but, acknowledging it to be inevitable, is trying to stipulate that her contingent shall be larger than the others, so as to preserve some sign of her suzerainty. The Bulgarian Assembly declines to permit their prince to be tributary to the Sultan.

## CONGRESSIONAL CONTROL OF FEDERAL ELECTIONS.

If the controversy over the means of securing free and fair elections now raging in Congress were somewhat more serious than it is—that is, if each side was not so much occupied in making the other “put itself on record” in a damaging manner—there can be little doubt that a satisfactory solution of the problem could be readily reached. Every intelligent and candid man in the country knows well that neither the Democratic nor the Republican description of the situation is correct. It is not true that Federal voters at the South need no more protection now than they did before the war, or that the State authorities are as likely to furnish such protection as they were before the war; nor is it true, on the other hand, that the machinery provided for this purpose by the Republican party is free from very grave objections. Whether the bestowal of the suffrage on the blacks was wise or foolish, the fact is that they now possess it, and that they are not competent, as an equal number of white men would be, to protect themselves in the enjoyment of it. As long as they do possess it, however, the whole country is interested in the highest degree in seeing that, at the polls at least, they can vote without let or hindrance. With the motive which determines a voter's will prior to his coming to the polls, whether fear or favor, the law cannot well interfere. There is no legal method of making a voter pure and patriotic in the intention with which he casts his ballot; but the law can provide that a man who does desire to cast his ballot honestly shall be able to cast it at the proper place and proper hour without danger to life or limb or property.

That a certain class of voters, and these the feeblest and most helpless, are likely to have considerable difficulty in doing this in certain parts of the country, and that in those parts of the country the State government is not likely to protect them efficiently in doing it, are well-known facts. It may be undesirable that there should be such voters, but as long as there are such voters their inability to vote securely, if witnessed on a large scale, would rapidly bring representative government into utter contempt. No government can support with impunity the caricaturing of the process by which it obtains its authority and vitality. The spectacle of large bodies of voters kept from the polls by systematic fraud or force in one State would soon exert a powerful influence in discrediting universal suffrage in every other State. We are all, therefore, strongly interested in having the negroes vote freely as long as they have the legal right to vote, especially for the men who in the National Legislature are to make laws for the whole country.

But it is not true that there is nothing objectionable in surrounding the polls with supervisors and marshals and deputy-marshals with powers of challenge and arrest, such as they possess under the statute over which the two parties are now quarrelling in Congress. It is not true that when Mr. John Davenport, on election day in this city, seizes on everybody whom he suspects, even on good grounds, of being armed with fraudulent naturalization papers, he is rendering the public a service of unmixed good, or that those who object to his performances necessarily look on cheating with a kindly eye. The powers with which the supervisors and deputy-marshals are armed may be fairly complained of on the ground, which has received singularly little attention in all this controversy, that to challenge a voter wherever the ballot is secret, and arrest and carry him away from the polls for offering to vote, is to inflict on him summarily a very severe penalty—the deprivation of the franchise—which ought not to be inflicted on any one without a proper judicial enquiry. If he has been wrongfully challenged under the present law, the injury done him and his party is irreparable; for, the election over, his opportunity of voting is gone. It is true that the law provides that when arrested by the deputy-marshals—to whose number, by the bye, there need be on election day no limit—he shall be carried before a United States Commissioner, and there be dealt with according to the ordinary process of law. This may be a sufficient protection for his liberty, but it is no protection at all

for his vote. The United States Commissioner may be, as he is in this city, a strong political partisan, with a profound belief in the dishonesty of everybody who votes the opposition ticket, and the special deputy-marshals may be, and indeed are, pretty sure to be active workers of the party in power. It is open to any of the deputy-marshals to seize and carry off from the polls any person who offers to cast what they on the spot, in the midst of the turmoil, may choose to consider a fraudulent vote, and to take him before a Commissioner, who may delay his examination until the close of the day. There would be no great harm in this under a system of open *viva-voce* voting, because the challenged voter would state for whom he intended to vote; and if it were subsequently ascertained that the challenge had no foundation, the vote, if necessary, could be counted. But under our secret ballot the challenged voter cannot tell for whom he means to vote. There is at present no arrangement for receiving or recording such information, and there is no way of compelling the voter to furnish it. If, therefore, he is for any reason, whether just or unjust, removed from the polls before voting, his vote is absolutely lost, although it should be clearly proved afterwards that his removal was unwarranted or malicious. Moreover, the two supervisors are not obliged to agree upon a challenge; either of them may challenge. The supervisors, too, in cities of over 20,000 inhabitants, the marshals and deputy-marshals may not only challenge but arrest and take into custody, with or without process, any person accused by them of offering to cast a fraudulent vote in their presence. Practically, therefore, there is no limit to the number of voters whom the United States marshal may carry off from the polls and deprive of their votes, and the only satisfaction the voter can get is his subsequent discharge from custody by the United States Commissioner.

It is hardly necessary to say that the bestowal of these extraordinary powers on the class of persons who usually fill the office of marshal and deputy-marshall would never have been thought of by any party in calm and quiet times. It was the product of the passion, partly philanthropic and partly warlike, of the period of reconstruction. Nor would it have been thought of by any party which did not feel, as the Republican party did after the war, that it would retain control of the Government for an indefinite period. A very large part of the reconstruction legislation was shaped under the influence of the notion, which now seems so strange, that the Democrats could not possibly come back to power. Otherwise the Enforcement Act, which, whenever there is a Democratic President in the White House, will enable Democratic marshals to remove negro voters from the polls by the hundred, would never have been devised as a means of securing free elections. It really seems to have been conceived with the best of intentions and to have covered no purely partisan design, as far as Congress was concerned. Its defects are due to a sort of simple-minded faith in the eternity of Republican rule.

The prevention of fraudulent voting at Federal elections is likely to be as necessary, at least in the large cities, at the North as in the South, and to prevent it there must be some person at the polls empowered to prevent persons suspected of fraud from irrevocably casting their ballots. But a law which enables any officer summarily to deprive a citizen of his vote at the polls because he suspects him of fraudulent intent, will never be quietly accepted by the party in opposition; and it ought not to be, particularly when United States marshals get their places as a reward for their partisan activity. What is needed is the means of keeping the man's vote in suspense until the question of his guilt or innocence is enquired into by a judicial authority. He should, therefore, when challenged, be allowed to cast his ballot on declaring for which candidate or candidates he voted, and then, if he were convicted on enquiry, his vote could be thrown out by the canvassers, or by Congress, in case of a contest before that body; if he were acquitted, it would stand. We make this suggestion on the supposition that the practice of filling offices charged with delicate and important duties, like the United States district-attorneyships, marshalships, and commissionerships with red-hot political partisans, who feel that at every

election they are fighting for their bread, is to be maintained for a good while to come. As long as it is maintained they can never be made acceptable protectors of electoral purity, and voters will need protection against them.

## A NEW KIND OF STATE CONSTITUTION.

THE Convention which has recently completed its work in California has reported a new constitution, which will be voted upon on the first Wednesday of May next. The work of the Convention deserves more than ordinary attention, because it is the result of a movement new in American politics. Hitherto constitutional conventions have generally been in the hands of a very conservative class, and usually have been controlled by lawyers. In California the anti-Chinese party, combined with the Communists under Kearney, have exercised such an influence in politics during the past year or two that a powerful minority of the Convention was led by statesmen of the Kearney order. Antecedently, therefore, it might be expected that the new instrument would be somewhat unlike those drawn up for American States hitherto, and such is most certainly the fact.

A State constitution may be regarded as the most complete expression by an American community of its fundamental and permanent ideas of law and government. The constitutions of the Revolutionary and pre-Revolutionary period may be said, in a general way, to have consisted of three parts—*first*, provisions relating to the formal organization of the government; *second*, a definition of the powers of the three branches of the government; *third*, a few positive provisions for the protection of the person and property of the citizen, including *habeas corpus*, trial by jury, etc. These provisions, however, were not at all new, but drawn directly from the same source from which the common law of the various States came—the English statute-book. Indeed, with regard to them it would not be unfair to say, considering the supposed revolutionary origin of American constitutional law, that what is most remarkable about them is not their novelty but their antiquity; the great body of them having been taken from English statutes passed in the reigns of Charles II. and James II., while some of the most important of them go back to the time of John. These safeguards of life, liberty, and the pursuit of happiness had already proved their value to so many generations of Englishmen and Americans that it was by no figure of speech that they were generally termed then, as they have ever since been, a common birthright.

In the hundred years which have elapsed since the Revolution the spirit of constitution-making in the various States has undergone several marked changes which have attracted more or less attention and criticism. The first serious change, of course, was that which swept through all the States thirty years ago, and introduced universal suffrage and an elective judiciary. Whether this be regrettable or no, it is impossible to deny that the men who were responsible for the change sincerely believed in it. They were drawn, too, as a general thing from a class competent to form an opinion on the basis of suffrage, and the conventions which incorporated the change into the fundamental law were guided by the same traditions and notions of the foundations on which society rests as their predecessors had been. The next change in the spirit of constitution-making which attracted notice was that which made its appearance in several constitutions ten years or more ago—most noticeable, perhaps, in the constitution of Illinois of 1870—in the direction of placing great restrictions upon the power of the legislature, and upon the sovereign right through the legislature to incur debt. In the old constitutions the branch of the government which had been restricted in its functions was the executive. Almost all the grievances from which the American colonies had suffered in the last century (as may be seen from the long list of the “repeated injuries and usurpations” which are enumerated with each recurring Fourth of July by every village orator who is charged with the duty of reading the Declaration of Independence to his fellow-townsmen) were laid by them at the door of the king, and conse-

quently in the old constitutions the official who was most hedged about with definitions and restrictions was the governor. The purpose in view was entirely accomplished. There has probably never been in the history of the world any executive who has made so few encroachments upon popular rights as the governor of the American State. But in carefully guarding these rights from encroachments in one quarter they had omitted to protect them from assaults in another; and it soon became clear that the legislature might become by means of special legislation, and its power of saddling the State with debts, quite as dangerous to popular government, although in a different way, as kings had been in their own. Consequently in the later constitutions, of which the Illinois constitution is a type, the power of incurring indebtedness and of special legislation is limited in every way. These new safeguards have been found to work well, and in the States in which they have been longest in operation have improved the tone and character of legislation and strengthened the public credit.

A comparison of the earlier constitutions with those recently adopted, however, shows that in one important respect there has been a decline in the art of constitution-making. The point to which we refer is this: In the older constitutions, as has been shown, the framers of the instrument were always careful to incorporate provisions affecting life, liberty, and property, which formed a fundamental part of the common laws of England and America; and the great advantage which was gained by incorporating them into a written constitution was that they were removed from the power of the legislature and made irrepealable except by constitutional amendment. They became part of a law which is superior to all mere legislative acts, and in case of conflict overrides them. Of late years, however, it has become more and more common for demagogues to attempt to make use of constitutional conventions, just as the legislature is made use of every year, by getting them to adopt, for the purpose of appeasing some popular cry, a mass of heterogeneous provisions applicable to the law of persons and property, concocted on the spur of the moment, and embodying no fundamental economical or legal principle tested by the experience of generations, but forming a sort of popular pronunciamiento on a half-understood subject, the actual effect of which the framers themselves cannot foresee. Illustrations of this tendency might be taken from several of the recent constitutions, but that just drawn up in California is the first one in which it has reached a dangerous climax.

The evils and abuses which the Convention undertook to cure and abate were, first, of course, the Chinese difficulty; second, a number of evils which are not peculiar to California, but have appeared in half the States of the Union within the past ten or twelve years—*e. g.*, the escape of large amounts of personal property from taxation, secret combinations by powerful corporations adverse to public interests, the delay of justice owing to the crowded calendars of the courts, excessive rates of toll or service by railroad, telegraph, and gas corporations, corruption in the legislature, gambling in shares of mining companies. When we examine the new constitution to see how the California Convention has dealt with these questions, we find that its most marked characteristic is that it contains some novel and ingenious provision with regard to each of them. In the first place, it proposes to bring stock-gambling to an end by giving to the legislature power to pass laws either to regulate “or prohibit the buying and selling of the shares of the capital stock of corporations in any stock board, stock exchange, or stock market under the control of any association.” Excessive charges by gas and telegraph companies are brought to an end by directing the legislature to pass laws “for the regulation and limitation of the charges for services performed and commodities furnished” by such corporations. Even charges for “storage and wharfage” are provided for in a similar way, whether made by corporations or *individuals*. Section 35 of the same article brings the corruption of the legislature to an end by declaring “lobbying” (which is made to embrace the somewhat vague offence of seeking to influence the votes of legislators by “intimidation”) a felony. The

judiciary article contains a section intended to prevent any further delay or denial of justice in California. It provides that no judge of either Supreme or Superior Court shall draw his monthly salary unless he make oath that no cause remains in his court undecided *which has been submitted for decision for the period of ninety days.* The labor question is disposed of by making eight hours a legal day's work on all public works. Finally, corporations "other than municipal" are handled without gloves. Stock-watering is prevented by declaring any stock issued except for value of some kind received to be "void." For the regulation of railroads a board of commissioners is created with a general power "to establish freight and passenger rates for all transportation companies"; any one who charges more than the rate established is liable to a fine of \$5,000 or imprisonment for a year.

Citizenship is, of course, restricted to natives or foreigners not of Mongolian blood, and corporations are prohibited from employing Chinese labor. The old provision that taxation shall be "equal and uniform" is struck out, apparently for the purpose of enabling the Legislature to impose an income-tax increasing with the income. As the new constitution does not prevent the imposition of taxes upon the principal as well, it looks as if the "money kings" of "Nob Hill," as Kearney calls them, would certainly catch it this time. Many of the sections directed against abuses by corporations are so worded as to be almost unintelligible. Railroad companies, for instance, are forbidden to make contracts with vessels plying to California ports, "by which the earnings of one doing the carrying are to be shared by the other not doing the carrying." Whenever a railroad lowers its rates of transportation for the purpose of competing with another railroad, there is to be no increase of rates afterwards without the consent of the government.

Such a farrago as this is a novelty in American constitutional law. Of course it is not difficult to see that much of it will never have any lasting effect upon the social and legal machinery in California, because much of it cannot be carried into effect in any civilized country. Some of it will be explained away by the courts, some of it will be rendered null by the corruption of the officials who are elected to execute it. But as it stands it is not the constitution of a civilized state, but of a civilized state the management of whose affairs has partly fallen into the hands of barbarians. Instead of confining itself, with regard to the ordinary rights of person and property, to a simple declaration of those permanent and settled principles to which, as we have shown, the earlier constitutions always confined themselves, it has embodied in the fundamental law of the State a mass of heterogeneous and confused edicts, representing nothing more substantial than those gusts of popular passion which hitherto have spent themselves in primaries or in the election of party candidates, or at most in laws passed *subject* to overruling by the judicial interpretation of a constitution based on fixed principles. That they should now have reached and so largely controlled the action of a constitutional convention is a bad sign. So far as such a constitution as that proposed in California fails of the evident objects of its authors, it tends to bring all laws and constitutions into contempt. So far as it succeeds, it marks the first incorporation into American constitutional law of pure communism.

#### AN ENGLISH WINTER WATERING-PLACE.

LONDON, March 18, 1879.

I HAVE just been spending a couple of days at a well-known resort upon the Kentish coast, and though in these circumstances there was nothing particularly novel or significant in my situation, yet, as to the truly observing mind no opportunity is altogether void and no impressions are wholly valueless, I have it on my conscience to make a note of my excursion. Superficially speaking, it was certainly wanting in originality; but I am afraid that it afforded me as much entertainment as if the idea of paying a visit to Hastings had been an invention of my own. This is so far from being the case that the most striking feature of this locality is the immense provision made there for the entertainment of visitors. Hastings and St. Leonard's, standing side by

side, present a united sea-front of more miles in length than I shall venture to specify. It is sufficient that in going from one end of the place to the other I had a greater sense of having taken a long, straight walk, than I had done since I last measured the remarkable length of Broadway. This is not a strikingly picturesque image, and it must be confessed that the beauty of Hastings does not reside in a soft irregularity or a rural exuberance. Like all the larger English watering-places it is simply a little London *super mare.* There is always picturesqueness to be found in England if one will take the trouble of looking for it; but it must be conceded that at Hastings this element is less obtrusive than it might be. I had heard it described as a "dull Brighton," and this description had been intended to be what is vulgarly called a "crusher." In fact, however—such is the perversity of the enquiring mind—it had rather quickened than quenched my interest. It occurred to me that it might be entertaining to follow out the variations and modifications of Brighton. Four or five miles of lodging-houses and hotels staring at the sea across a "parade" adorned with iron benches, with hand-organs and German bands, with nursemaids and British babies, with ladies and gentlemen of leisure—looking rather embarrassed with it and trying, rather unsuccessfully, to get rid of it—this is the great feature which Brighton and Hastings have in common. At Brighton there is a certain variety and gayety of color—something suggesting crookedness and yellow paint—which gives the place a kind of cheerful, easy, more or less vulgar, foreign air. But Hastings is very grey and sober and English, and, indeed, it is because it seemed to me so English that I gave my best attention to it. If one is attempting to gather impressions of a people and to learn to know them, everything is interesting that is characteristic, quite apart from its being beautiful. English manners are made up of such a multitude of small details that the picture a stranger has mentally formed of them is always liable to receive new touches. And this, indeed, is the explanation of his noting a great many small points, on the spot, with a degree of relish and appreciation which must often, to people who are not in his position, appear exaggerated. He has formed a mental picture of the civilization of the people he lives among and whom, when he has a great deal of courage, he makes bold to say he is "studying"; he has drawn up a kind of tabular view of their manners and customs, their idiosyncrasies, their social institutions, their general features and properties; and when once he has suspended this rough cartoon in the chambers of his imagination, he finds a great deal of occupation in touching it up and filling it in. Wherever he goes, whatever he sees, he adds a few strokes. That is how I spent my time at Hastings.

I found it, for instance, a question more interesting than it might superficially appear, to choose between the inns—between the Royal Hotel upon the Parade and an ancient hostel—a survival of the posting-days—in a side street. A friend had described the latter establishment to me as "mellow," and this epithet complicated the problem. The term mellow, as applied to an inn, is the comparative degree of a state of things of which (say) "musty" would be the superlative. If you can seize this tendency in its comparative stage you may do very well indeed; the trouble is that, like all tendencies, it contains, even in its earlier phases, the germs of excess. I thought it very possible that the "Swan" would be over-ripe; but I thought it equally probable that the Royal would be crude. I could claim a certain acquaintance with "royal" hotels—I knew just how they were constituted. I foresaw the superior young woman sitting at a ledger, in a kind of glass case, at the bottom of the stairs, and expressing by refined intonations her contempt for a gentleman who should decline to "require" a sitting-room. The functionary whom in America we know and dread as a hotel-clerk belongs in England to the sex which, when need be, has an even more perfect command of the supercilious. Large hotels here are almost always owned and carried on by companies, and the company is represented by a well-shaped female figure belonging to the class whose members are more particularly known as "persons." The chambermaid is a young woman, and the female tourist is a lady; but the occupant of the glass case, who hands you your key and assigns you your apartment, is designated in the manner I have mentioned. The "person" has various methods of revenging herself for her shadowy position in the social scale, and I think it was from a vague recollection of having on former occasions felt the weight of her embittered spirit that I determined to seek the hospitality of the humbler inn, where it was probable that a solitary gentleman who should after all decide to indulge in the luxury of a sitting-room would be treated as a prince. Once established at the "Swan," in the sitting-room, the whole affair was as characteristically English as I could desire.

I have sometimes had occasion to repine at the meagreness and mustiness of the old-fashioned English inn, and to feel that in poetry and in fiction these defects had been culpably glossed over. But I said to myself the other evening that there is a kind of venerable decency even in some of its dingiest idiosyncrasies, and that in an age of vulgarization one should do justice to an institution which is still more or less of a stronghold of the ancient amenities. It is a satisfaction in moving about the world to be treated as a gentleman, and this gratification appears to be more than, in the light of modern science, a Company can profitably undertake to bestow. I have an old friend, a person of admirably conservative instincts, from whom, a short time since, I borrowed a hint of this kind. This lady had been staying at a small inn in the country, with her daughter; the daughter, whom we shall call Mrs. B., had left the house a few days before the mother. "Did you like the place?" I asked of my friend; "was it comfortable?" "No, it was not comfortable; but I liked it. It was shabby, and I was much overcharged; but it pleased me." "What was the mysterious charm?" "Well, when I was coming away, the landlady—she had cheated me horribly—came to my carriage, and dropped a curtsy, and said: 'My duty to Mrs. B., ma'am.' Que voulez-vous? That pleased me." There was an old waiter at Hastings who would have been capable of that—an old waiter who had been in the house for forty years, and who was not so much an individual waiter as the very spirit and genius, the incarnation and tradition, of waiterhood. He was faded and weary and rheumatic, but he had a kind of mixture of the paternal and the deferential, the philosophic and the punctilious, which seemed but grossly requited by a present of small coin. I am not fond of jugged hare for dinner, either as a light *entrée* or as a *pièce de résistance*; but this accomplished attendant had the art of presenting you such a dish in a manner that persuaded you, for the time, that it was worthy of your serious consideration. The hare, by the way, before being subjected to the mysterious operation of jugging, might have been seen dangling from a hook in the bar of the inn, together with a choice collection of other viands. You might peruse the bill of fare in an elementary form as you passed in and out of the house, and make up your *menu* for the day by poking with your stick at a juicy-looking steak or a promising fowl. The landlord and his spouse were always on the threshold of the bar, polishing a brass candlestick, and paying you their respects; the place was pervaded by an aroma of rum-and-water, and of commercial travellers' jokes.

This description, however, is lacking in the element of gentility, and I will not pursue it further, for I should give a very false impression of Hastings if I were to omit so characteristic a feature. It was, I think, the element of gentility that most impressed me. I know that the word I have just ventured to use is under the ban of contemporary taste; so I may as well say outright that I regard it as indispensable in almost any attempt at portraiture of English manners. It is vain for an observer of such things to pretend to get on without it. One may talk of foreign life indefinitely—of the manners and customs of France, Germany, and Italy—and never feel the need of this suggestive, yet mysteriously discredited, epithet. One may survey the remarkable face of American civilization without finding occasion to strike this particular note. But in England no circumlocution will serve—the note must be definitely struck. To attempt to speak of an English watering-place in winter and yet pass it over in silence, would be to forfeit all claims to analytic talent. For a stranger, at any rate, the term is invaluable—it is more convenient than I should find easy to say. It is instantly evoked in my mind by long rows of stucco-fronted houses, with a card inscribed "Apartments" suspended in the window of the ground-floor sitting-room—that portion of the dwelling which is known in lodging-house parlance as "the parlors." Everything, indeed, suggests it—the bath-chairs, drawn up for hire in a melancholy row; the innumerable and excellent shops, adorned with the latest photographs of the royal family and of Mrs. Langtry; the little reading-room and circulating library on the Parade, where the daily papers, neatly arranged, may be perused for a trifling fee, and the novels of the season are stacked away like the honey-combs in an apiary; the long pier, stretching out into the sea, to which you are admitted by the payment of a penny at a wicket, and where you may enjoy the music of an indefatigable band, the enticements of several little stalls for the sale of fancy-work, and the personal presence of good local society. It is only the winking, twinkling, easily-rippling sea that is not genteel. But, really, I felt like saying at Hastings that if the sea were not genteel, so much the worse for Neptune; for it was the favorable aspect of the great British proprieties and solemnities that struck me. Hastings and St. Leonard's, with their long, warm sea-front, and their multi-

tude of small, cheap comforts and conveniences, offer a kind of résumé of middle-class English civilization and of advantages of which it would ill become an American to make light. I don't suppose that life at Hastings is the most exciting or the most gratifying in the world, but it must certainly have its advantages. If I were a quiet old lady of modest income and nice habits—or even a quiet old gentleman of the same pattern—I should certainly go to Hastings. There, amid the little shops and the little libraries, the bath-chairs and the German bands, the Parade and the long Pier, with a mild climate, a moderate scale of prices, and the consciousness of a high civilization, I should enjoy a seclusion which would have nothing primitive or crude. I am afraid that the more frugal amateurs of life find no such well-padded nests in America.

## Notes.

ENTRY HOLT & CO. publish immediately 'Money and Trade,' by Prof. Francis A. Walker; 'Communism in America,' by Henry Ammon James (the John A. Porter University Prize Essay, Yale College, 1878); and Symonds's 'Renaissance in Italy: The Fine Arts.'—Other spring announcements are: 'The Russian Army and the Campaigns of 1877-78,' by Lieut. F. V. Greene (D. Appleton & Co.); the third volume of Green's 'History of the English People,' and 'Northward Ho!' by Capt. A. H. Markham, R.N., who describes English attempts to reach the North Pole (Macmillan & Co.); 'Great Orations and Speeches of Daniel Webster,' with an introductory essay by Edwin P. Whipple (Little, Brown & Co.); 'Wild Life in a Southern Country,' by the agreeable author of 'The Gamekeeper at Home' (Roberts Bros.)—The late William Howitt, as we learn from the *Academy*, has left behind him a complete autobiography, the publication of which may be confidently looked for.—Daniel Slote & Co., New York, are preparing a children's edition of their 'American Plant Book,' especially adapted for the preservation of forest leaves.—Mr. John Williamson, whose 'Ferns of Kentucky' we not long ago had occasion to praise, now sends us the prospectus of a forthcoming volume of 'Fern Etchings,' containing representations of all the ferns that have been found in the Eastern and Middle States. Accompanying this is a specimen of two of the etchings, with brief descriptive text, which the publishers (John P. Morton & Co., Louisville, Ky.) will send to any one on receipt of fifteen cents. They are quite worth the money merely as works of art, though that is not their chief excellence.—The opening paper in the *American Naturalist* for April, on "Animal Music, its Nature and Origin," by Xenos Clark, is noticeable both for the scientific theory put forth in it, and for probably the completest transcription of bird melodies yet made. The music fills seven pages, and is also sold separately in sheet form, by McCalla & Stavely (Philadelphia).—From the *Magazine of American History* for April we learn that Messrs. Charles Henry Hart and William A. Baker, of Philadelphia, are preparing a 'Descriptive List of all the Engraved Portraits of Washington,' with notes and observations on the original pictures. They desire to be put into communication with collectors.—Parts iii., iv., Vol. XV., of the 'Essex Institute Historical Collections,' are wholly taken up with an account of the Institute's celebration, September 18, 1878, of the fifth half-century of the landing of Governor John Endicott in Salem, Mass. The appendix contains biographical notes of interest, and a chronological list of events in Salem from its settlement to the present time. There is also a steel portrait of the first Governor of Massachusetts.—We have received from Mr. Frederick Prime, jr., Assistant Geologist of Pennsylvania, a useful 'Catalogue of Official Reports upon Geological Surveys of the United States and of British North America' (51 pp. 8vo). There is a great disparity among the States in the number and character of these reports.—The Report of the scientific results of the First Session (June-August, 1878) of the Chesapeake Zoölogical Laboratory connected with the Johns Hopkins University makes a handsome volume of 170 pp., with 13 plates (Baltimore: John Murphy & Co.). Mr. W. K. Brooks, the Director, treats of the development of *Lingula*, "the oldest animal now living, and almost the earliest which is now found as a fossil."—The last volume of Longfellow's 'Poems of Places' (which we have received from Houghton, Osgood & Co.) contains a very desirable collection of local and little-known poems relating to the Middle States. The great rivers and lakes are honored, but the lack of human interest, in comparison with the volumes on New England, is striking, and we cannot help thinking the collection on Niagara humiliating to the race.—The fifty-fourth exhibition of the National Academy of Design was

opened the day before yesterday. Works which redeem the display from commonplace are Edgar M. Ward's "Paternal Pride," a strong Breton interior and figures; W. P. W. Dana's "Beach at Dinant," with peasants gathering seaweed; Hovenden's "Pendant le Repos," a third Brittany subject; J. Carroll Beckwith's Vandyke-like portrait of Mrs. McCurdy; John S. Sargent's little wanton boys who swim on bladders, on the shores of the Bay of Naples; George W. Maynard's somewhat similar, but cooler, beach-effect; Mr. Chase's "Coquette"; and Prof. Eakins's vigorous portrait of Dr. Brinton. The exhibition is generally considered the strongest yet arranged by the Academy.

—Professor Charles Eliot Norton and Mr. Charles H. Moore are engaged, with Mr. Ruskin's approval, in preparing a compend of "Modern Painters," intended to contain the substance of its teachings in regard to the principles and practice of art. The work, while preserving that which is of most permanent value and general interest in the original, will be brought within moderate compass. The sections treating of botany and of geology will be reserved by Mr. Ruskin for reworking in connection with his "Proserpina" and "Deucalion." This compend will be illustrated with the original plates and woodcuts, so far as they can be used to advantage. It is to be considered as the final and authoritative form in which Mr. Ruskin desires that the essential doctrines of his book shall be preserved, as it is his intention not to reprint in full the "Modern Painters."

—We receive from Albany the hand-book which was prepared for the recent Loan Exhibition in that city. It was devised at a late hour, composed in great haste (the expense being wholly borne by a lady of Albany who was strongly interested in the charitable purpose to serve which the Exhibition had been organized), and is said with undoubted truth to have been of great assistance to the visitors, and, through its ready sale, to the fund. It bears the name of Mr. Prentiss Treadwell as author, but the preface gives to another the chapter on printing. No book prepared in such haste as this (ten days) can aspire to completeness or careful arrangement. Tolerably uniform accuracy alone, in such a work, would argue very unusual accomplishments, great knowledge, and the power of drawing on it at will. We are not able to say that the book before us is free from those errors which one falls into when using in haste many authorities, and condensing their varying statements—nor yet from those slips of style which will make themselves visible in such cases as this. But to have done the thing at all, and to have produced as pretty and useful a book as this is, deserves mention as an unusual feat.

—The first part of the catalogue of the Barton collection in the Boston Public Library has been issued, containing in sixty-seven pages not only the editions of Shakspere in the collection, but all throughout the library—an excellent plan, as it is very desirable to have a complete conspectus of the strength of the library in this respect. There are 959 titles of separate editions, and about 200 more of plays contained in miscellaneous collections. The rarities come almost entirely from Mr. Barton, who had all of the first four folios and nearly a third of the quartos issued before 1623. Of course such a collection deserved to be treated with especial care. The catalogue will no doubt be often cited by other librarians and cataloguers when the public are clamoring at their slow progress. These sixty-seven pages have been eleven months in passing through the press, but the result justifies the delay. The work is as nearly perfect as work of this sort ever is. The titles are given in full, with collations; the notes, strictly bibliographical, are made freely wherever needed; the type is small, but beautifully clear; the press-work of the best. Distinction of type is used with good effect. We only regret that names of editors were not printed in *spaced* type, which would have made it much easier to find one's way among the different editions. We are glad to see that the Public Library is changing its practice and now gives its officers due credit for their labors. The third volume of the Bulletin, lately issued, was described as edited by J. L. Whitney, and the present catalogue is stated on the title-page to be "by John Mascarene Hubbard."

—The committee of nine gentlemen appointed by the Mayor at the public meeting held last month to consider the question of tenement-house reform have submitted a preliminary report. They find that the existing laws on the subject are insufficient to ensure light, air, and ventilation, and prevent overcrowding, or to provide for effectual supervision. They therefore propose to present a bill to the Legislature providing for a system of sanitary police, and the licensing, by the Board of Health, of all tenement houses. They also find that the condition of the streets in the tenement-house quarters of the city is deplorable, and is, in itself, a posi-

tive cause of demoralization, filth, and disease. With regard to any large system of improved tenement houses the committee, we are glad to see, think that the ordinary city lot, measuring 25 by 100 feet, should be put out of consideration; that large buildings are requisite; and that such buildings might be made to pay a fair rental independently of their moral advantages. They recommend, therefore, the formation of one or more stock companies under the Limited Liabilities Act, and the creation of a trust fund, something like the Peabody Fund in London, for the construction and maintenance of improved dwellings for the poor. This movement, which is in the charge of a thoroughly capable committee, cannot be regarded by any one who lives in this city as an ordinary charitable enterprise having merely for its object the improvement of the condition of the poor. The tenement-house system in New York constitutes, as it exists to-day, a vast nuisance, which perpetually lowers the health and vitality of the whole city, besides placing it in periodical danger from pestilence and forming a nursery for crime such as hardly exists anywhere else in the civilized world. Such a quarter as that in which the New York tenement houses flourish is unknown in Boston, Philadelphia, Chicago, or any other large American city; and whatever may have been the excuse for its existence hitherto, certainly, now that the rapid-transit roads have opened a vast area of land on the upper parts of the island for settlement, there is no longer any. The movement to improve the system of dwellings for the poor is a movement really to improve the public health and to diminish the causes of crime. The committee evidently regard the provision of an effective system of licensing and protection the most difficult part of their task; but as the whole movement is meant to rest on an investment of private capital for profit, it is fortunately probable that supervision will not be left to the control of any body of politicians, but be kept in the hands of the individuals or companies who erect the buildings.

—A point of contact, too little regarded, between the inmates of the tenement house and the respectable middle classes is in the public schools, to which compulsory education brings the rough and vicious characters whose presence every school-teacher dreads, over whom a delicate woman is generally placed, and against whose infractions of order or common decency no physical defence is allowed or would be operative. This subject is incidentally treated in the last report of the Superintendent of Truancy, in this city, to the Board of Education. He recommends following the example set by the Brooklyn Board, in opening schools for habitual truants exclusively. To these would naturally be transferred the black sheep of the common ward-schools, and in them a more rigid discipline would develop their capacity for improvement, and sift out the incorrigible for a second transfer to some house of correction. Truancy would be not a little diminished by such measures, while the lot of the teacher would be made easier, and the better class of children be saved from contagion. The Superintendent shows that in four years substantial progress has been made under the Truancy law, both in increasing the average attendance at school and in reducing (by twenty-four per cent.) the number of children between the ages of eight and fourteen arrested and held or committed by the police courts. He points out certain modifications of the Act of May 11, 1874, which would make it much more efficacious, and which are so reasonable that they certainly should be had for the asking.

—The sixth and last concert of the Steinway Hall series which took place on Saturday night may justly be considered the musical event of the season. A selection of unusual merit attracted one of the largest audiences that has ever filled Steinway Hall. The programme contained only two names, Beethoven and Wagner, both representative men of the period to which each belongs. The first number was Wagner's Overture to *Tannhäuser*. A more perfect rendering of this interesting work than that given on Saturday night is hardly possible to imagine. The Choral, with instrumental introduction, from the third act of the "Meistersinger," is new to New York concert-goers. It is a hymn for St. John's day, the birthday of Hans Sachs, the hero of the opera, and the words are taken from one of the old cobbler-poet's own spiritual songs. The orchestra did its part admirably, but the same cannot be said of the chorus, which appeared not to be perfectly sure of their parts: the first *unisono* intonation, particularly, was harsh and out of tune. The "Kaisermarsch" was heard for the first time with the addition of the chorus, which, however, did not add much to the massive grandeur of the work. The second part consisted of Beethoven's last and greatest symphony, the Ninth in D minor. The performance was exceedingly good. Dr. Damrosch feels sometimes inclined to take liberties with the

*tempo* which are in our opinion unjustified. No composer has been more careful than Beethoven to mark in his pieces the time and manner in which they should be executed, and if a conductor, after having conquered the technical difficulties, will only conscientiously adhere to the master's own indications, he will come as near a perfect rendering as is possible. However, Dr. Damrosch's performance was an artistic success. The chorus was very fair, and the solo quartet executed their difficult and ungracious part very creditably.—Mr. Henry G. Hanchett made his first appearance here in a piano-forte recital given by him at Chickering Hall on Wednesday afternoon. He is an excellent pianist and showed himself at his best in rendering works of the modern school. His interpretation of Bach was spiritless and wanting in vigor and earnestness. The Beethoven sonata Op. 53 in C was an improvement, and the last four numbers of the programme, compositions by Chopin, Liszt, Schumann, and Rubinstein, were given by Mr. Hanchett in a truly poetical and artistic manner. We should like to hear more of him before giving a final opinion on his merits, and trust we shall have an opportunity of judging him in a piano-forte concerto of Beethoven, or Liszt, or Rubinstein.—The two principal events of last week's Italian opera were Madame Gerster's first appearance in "Traviata" and the first performance this season of Meyerbeer's "Dinorah." Madame Gerster gained a signal success as *Violetta*; her singing was admirable, and her acting, though sometimes lacking in dramatic vigor, was always refined and artistic. It may be safely asserted that Meyerbeer's tedious and shallow opera was only saved from a *flusso* by the excellent manner in which both singers—particularly Madame Gerster and Signor Galassi—and the orchestra performed their thankless and unprofitable task.

—The distinguishing merit of the series of symphony concerts under Dr. Damrosch, at Steinway Hall, has been its programmes of sterling artistic merit. The opening concert was full of promise of what was to come; Beethoven's symphony in C minor, Wagner's introduction to the "Meistersinger," and Raff's violin concerto in E minor, which was admirably played by Mr. Wilhelmj, forming part of it. Selection was sadly at fault for the second concert, however, which would have proved a total failure had it not been for Mr. Pinner's excellent rendering of Beethoven's E flat piano-forte concerto, the only redeeming feature of the programme. The third concert introduced Mr. Franz Rummel, who made his first appearance in Grieg's piano-forte concerto in A minor. This brilliant young artist at once took his audience by storm with a performance that was remarkable for vigor and fire. The remaining numbers were Schubert's unfinished symphony in B minor, Schumann's symphony in C, and a charming song of Berlioz with violoncello obligato from Victor Hugo's "Orientales"—"Si je n'étais captive." The fourth concert was favored again by Mr. Wilhelmj's assistance, who played the first movement of Beethoven's violin concerto. It was a matter of regret to many that so conscientious and scholarly an artist as Mr. Wilhelmj condescended to destroy the harmonious completeness of this noble work by playing only the first part of it. It is by no means a long composition, and is so rich in melody and beautiful harmony that there was probably no one in the audience who would not have been glad to hear it in its entirety with such a rendering. A bright and tuneful little symphony of Saint-Saëns was performed for the first time, and at once highly appreciated. Volkmann's serenade in D minor for string orchestra, with violoncello obligato, and Liszt's "Préludes" were among the remaining numbers of this interesting concert. The feature of the fifth concert was the first performance in its completeness in this country of Berlioz's "Sinfonie fantastique." Dr. Damrosch deserves the thanks of the public for introducing this most interesting of Berlioz's compositions, which is so full of technical difficulties that only orchestras of the highest standing can venture on a performance of it. The "Sinfonie fantastique" was written nearly fifty years ago when Liszt was unknown, when Wagner had not been heard of; yet it is entirely pervaded by the spirit that breathes in the works of these two masters, and so completely foreign to the traditions of the classical school that it may well be considered as inaugurating a new era of instrumental music. Cherubini's overture to *Anacreon*, a very brilliant and pleasing piano-forte concerto by Scharwenka, and a rather monotonous scene for orchestra with solo and chorus by Grieg, made up the remainder of the evening's performance. The sixth and last concert has been described above, and it only remains for us to congratulate Dr. Damrosch on the success of his series, which has never, all things considered, been surpassed in this country.

—In the death of Thomas Couture, last Monday, French art lost one

of the last of its idealists. He was born at Senlis, December 21, 1815. His "Roman Orgy," the success of the Salon of 1847, seemed to define a permanent and secure renown for the artist, which has been steadily declining since. The thinness of the painting in this celebrated picture is said to have been forced on the artist by absolute lack of means to buy materials. For the past ten years there has been observed a tendency, which seems like an organized effort, to treat Couture with studied coldness. He is called the painter of a single picture. The prosperity of idealism in art has at no epoch been very secure, since the period of the Greeks; the realistic sceptics of our day are even disrespectful towards the idealism of Michael Angelo and Raphael, asking inconveniently whether or no those great men could paint the "moreau." Ideal work, indeed, almost necessarily, contains a tincture of the fleeting taste of its century, which is an element of deadliness; that of Delaroche, which seems like an inspiration from Scribe's melodramas, that of Delacroix, which suggests Hugo, that of David, which matches the French classical drama, are all in precarious predicament at this moment. Couture, however, the Parisians determined was to die in his lifetime; and he must have been often pained, in his sulky hermitage, at the silence which was gathered like a palpable oblivion around his once great name, while upstarts were offered more applause than they could carry. His "Love of Gold" is in the Museum of Toulouse. His "Day-Dreams," or school-boy blowing bubbles, is in a private gallery of this city, and his "Triomphe d'une Femme équivoque" in one at Philadelphia. Some of his satirical paintings illustrating the lawsuits of his friend Barbedienne, where the personages of the court-room are harlequins and polichinelli, are also owned in this country; Barbedienne's show-rooms contain many of these sarcastic parables. His two little published volumes are very lively reading; the first comprises revelations of his humble origin and his contrariness under the labored teachings of Baron Gros; the second is devoted to the rise of modern landscape art, and contains this sentence: "Certain critics recognize one element of superiority alone for us moderns, that of landscape-painting; it is fine and bold to say so; but for my part, I think one must be more of beetle than critic to have this exclusive predilection for greens."

—A great standard work of history and ethnography, Friedrich Spiegel's "Erânische Alterthumskunde," has reached its completion with its third volume (Leipzig, 1878). The programme, as sketched in the preface to the first volume, has been strictly adhered to and fully carried out. The work is divided into seven books, of which the first volume (1871) contains three, the second (1873) one and a half, and the third two and a half. The first book, embracing nearly three hundred pages, is devoted to the geography of Iran, in the widest sense, and of lands bordering on it, and the second to the ethnography of the same countries; and so broad is the modern basis on which the "Iranian Antiquities" are made to rest that even writers on the present theatre of war in the East would do well to study the chapters descriptive of the Cabul and its affluents, the Suleiman Mountains, the Kuram and Gomal Rivers, the highlands of Ghazni and Candahar, Afghans, Belooches, etc. The third book treats of the origin and earliest conditions of the Iranians, and sketches their myths and heroic legends. The fourth book, perhaps the most important of the whole work, unfolds their religious system and kindred conceptions, including late post-Zoroastrian theories and speculations, down to Manes and Mazdak. The first half of the fifth book contains the history of Iran from the rise of the Median power to the destruction of the Persian Empire by Alexander of Macedon, and the second half—upward of five hundred pages—its history under the generals of Alexander, the Seleucidae and Graeco-Bactrian kings, the Parthians, and the Sassanides, to the conquest by the Caliphs. The sixth book treats of the internal conditions of ancient Iranian society, of classes and their relations to each other, and of private life. The respective topics of the five chapters of the last book are the Iranian language and its dialects, Iranian writing, ancient Iranian literature (the Avesta), translations of the Avesta and later literature, and Iranian art. Considering that the author has drawn all his materials from first sources—Persian, Zend, Arabic, Greek, Roman, etc.—and that he has subjected every part of his vast subject to minute research and strict elaboration, we are struck by the shortness of the time within which he has succeeded in executing his monumental task. What moderates our surprise is the knowledge that Spiegel's literary life has been almost entirely devoted to this branch of study, and that, before beginning the publication now concluded, he was famous as the translator and editor of the Avesta, and as the author of "Einleitung in die traditionellen Schriften der Parseen," "Grammatik der altbak-

trischen Sprache,' 'Die altpersischen Keilinschriften,' and other writings on kindred topics.

— 'Historische Beiträge zur Caesar-Literatur' is a pamphlet of twenty-three pages, quarto, by Dr. Franz Fröhlich, teacher in the gymnasium at Zürich. It contains two essays, upon Caesar's Agrarian Law and *Vercingetorix*. The latter lays no claim to originality, but aims, in the interest of the pupils of the gymnasium, to present a vivid picture of the career of this "noble Gaul, alike deserving of admiration as statesman, warrior, and man"; especial emphasis is placed upon his achievements as a politician and organizer. Caesar's own account is, of course, the chief and almost exclusive authority. The other essay has more originality, as it aims to give a nearly complete sketch of the events of Caesar's consulship, the authorities for which are very conflicting and fragmentary. The author is of opinion that Caesar promulgated two agrarian laws; the *Lex Campana*, dividing the public lands of Campania, being only an afterthought, when it appeared that the public lands distributed by the first law would not be adequate. These laws are usually regarded as purely demagogical measures; and, indeed, it appears that their effect, if carried out, would have been very materially to strip the state of its effective revenue. Nevertheless, it was no unmixed good for the Roman Republic that its revenue was secured without any regular taxation; and at any rate, in view of the fatal disease of Italy—the aggregation of its lands into great estates or *latifundia*—one cannot but feel some sympathy with the view presented by Dr. Fröhlich, that this measure had an element of wise statesmanship. A point of detail that Dr. Fröhlich appears to have made out, from Cicero's letters, is that the Vatinian Law, bestowing the military command of Gaul for five years upon Caesar, was passed after the Agrarian Law—that is, not earlier than May. This is a point of some importance in determining the constitutional question at issue between Caesar and the Senate at the outbreak of the civil war ten years later.

#### HOOKER AND BALL'S TOUR IN MAROCCO.\*

THE isolation of Marocco from the European world is strikingly shown in the fact that up to the publication of this goodly volume the principal geographical authority for the interior of the country is Leo Africanus. This man was a Moor of Granada, who, with his kinsfolk, at the time of the siege of Granada in 1492, fled to Fez, then the headquarters of Arabic culture, and was taken into favor by Mouley Ahmet, the founder of the dynasty still reigning in Marocco. He travelled throughout the empire, and wrote in Arabic a description of that part of Africa, which he must have had with him in manuscript when, in the year 1517, he was captured by Christian corsairs and carried to Rome. The Pope, Leo X., hearing of this learned Moor, sent for him, treated him kindly, had him baptized, and gave him at the font his own names, Giovanni Leone; and so, as the writer of the narrative before us naïvely remarks, the Moor perhaps became as earnest a Christian as the pontiff himself. In Rome he translated his work into Italian; but it was not printed until 1550, in the first edition of Ramusio's 'Collection of Voyages and Travels.' Excepting Gerhard Rohlfs—who, by assuming the garb and professing the faith of a Mussulman, traversed districts where no Christian dare present himself, and who could make only surreptitious observations and trust them to memory—our British travellers were the first Europeans to travel in South Marocco and to reach the Great Atlas.

Their opportunity and their success were exceptional. It was a botanical expedition, in the spring of 1871, with the president of the Royal Society and director of Kew Gardens at its head, with Mr. Ball, a member, or at least an ex-member, of Parliament, as his companion, and a third naturalist, Mr. George Maw, as their associate for half the journey. High influence was required for obtaining the Sultan's permission to penetrate the country at all; and utmost skill, determination, and no small assertion were called for to surmount the obstacles which were systematically interposed by the authorities, and to baffle attempts to lower the personal importance, and therefore frustrate the aims, of this scientific embassy. On reaching the city of Marocco the playing of the game began. The Sultan's letter instructed the Governor of Mogador to "send the English *hakim* and his companions to the care of my slave El Graoui," said slave being the governor of the whole Great Atlas region. The city of Marocco was not in his province; and there the duty of providing for the sustenance and comfort of the travellers devolved upon Ben Daoud, governor of the city. Before entering the town our travel-

lers had managed to learn that a very small house with only two rooms had been provided for them, and that Ben Daoud meant to make as little of them as possible. So a message was sent on that a larger house was needed, or else an enclosed garden in which to pitch their tents. In reply, a larger house with four rooms was offered. On reaching this house at nightfall it proved to be mean, dirty, and swarming; so when the *mona*, or present for the evening meal, came in, it was ordered back with scorn. It was felt that submission to any belittling at the outset would be the beginning of sorrows.

"Tell the Governor," said Hooker, "that my Sultana gives me a large house with a garden to live in; hospitality would require that the Governor of Marocco should provide me—the guest of his Sultan—with a better house; but, in any case, I shall not live in a worse one."

The messenger returned with the answer: "The Governor has no better house to give the Christians; but Marocco is large, and they are welcome to provide for themselves." Whereupon the cavalcade moved to the great square, or open space, beside the chief mosque and tower of the Koutoubia, sending at the same time a message to the Viceroy, son of the Sultan, that they should encamp in their own tents until a suitable house had been provided. The upshot was that on the following day the Viceroy installed them in the palace of Ben Dreis, with the adjoining garden, and soundly berated the city Governor for his churlishness; but it leaked out that the poor Governor had only obeyed the express orders of the Viceroy, who had directed him to begin by offering the mean house, then one somewhat larger, and to leave it to the Viceroy himself graciously to meet the higher demands if they should be insisted on. Fortunately, too, the row with the city Governor threw the travellers into the hands and good graces of his rival, El Graoui, under whose protection and care they were to explore the Atlas range.

It was now full time to determine how this visit, and the laborious journey they were to undertake, were to be made intelligible and satisfactory to El Graoui and the other Moorish authorities. The gratification of a desire to learn something about the vegetation of the Great Atlas would have seemed a thin pretext for some sinister design. An insanity of this sort might possess the unaccountable soul of some one Christian; but that three should be simultaneously smitten with it would be thought to pass the bounds of probability. The pretence of collecting live plants for Kew Gardens could hardly be made plausible to the Moorish mind, except, haply, for that one use of plants that every one can understand. The Royal Gardens are literally the Queen's Gardens, and herbs that will cure diseases are among its most valuable collections. Judicious representations upon this line would go far towards explaining the strange proceedings of the party of travellers, and would contain all the truth they were likely to get credit for. So "there is no doubt that the current belief among our own followers was, that the Sultana of England had heard that there was somewhere in Marocco a plant that would make her live for ever, and that she had sent her own *hakim* to find it for her." And when it was seen what toil and hardship these botanical explorations entailed, the natural commentary upon the whole proceeding was: "The Sultana of England is a severe woman, and she has threatened to give them stick (the bastinado) if they do not find the herb she wants."

Those interested in the natural history of an almost unknown district lying on the very border of Europe: those interested in its geography and physical features; the statesman and philanthropist, who may here contemplate in a typical instance the decadence and depletion of a once prosperous people, and note the misery which two or three centuries of misrule may bring upon a smiling land; and those who enjoy the charm of fresh and graphic narrative, the sketch by a practised hand of keen and quick observations by practised eyes—all these will find this volume attractive reading. To us it has been fascinating and full of suggestion. The main drawback to our travellers' enjoyment was the suffering which they unwittingly inflicted on the mountain villagers of the Atlas—the poor Berebers, who are altogether the worthier part of the population—through the insatiable rapacity of the large escort provided by the Moorish Government for their protection. If the naturalists could have journeyed by themselves, with needful attendants under their complete control, their support would have entailed no hardship whatever; but the shameless extortion and abuse by the guards, which the travellers were unable to prevent, must have left a painful remembrance upon their minds as well as upon those of the despoiled mountaineers. It is hardly a consolation to the former that the latter are used to it.

The appendix to this charming volume is filled with scientific, philosophical, and geographical details. The most elaborate article is that

\* 'Journal of a Tour in Marocco and the Great Atlas. By Sir J. D. Hooker and John Ball.' London and New York: Macmillan & Co. 1878.

"On the Geology of the Plain of Marocco and of the Great Atlas," by Mr. Maw.

As to the orthography of the name of the city and country, Marocco is peculiar to the English. In the adoption of Marocco the authors follow, as regards the first vowel, the universal Continental usage.

#### STUBBS'S CONSTITUTIONAL HISTORY OF ENGLAND.\*

A MAN'S real merits may at times be obscured by his pre-eminent reputation for some one virtue. Aristides, no doubt, was just, but if he possessed other qualities than equity the fame of his justice has hidden from posterity important features in his character. Hooker was judicious, but one of the greatest masters of English has certainly suffered by that reputation for calm judgment which has overshadowed his eloquence and wisdom. Professor Stubbs is in danger of suffering from the calamity which has befallen men as eminent as himself, and may find that his learning and sound sense have been so amply acknowledged by his friends that a careless public, apt to believe that the possession of one great talent is inconsistent with the possession of nine others as valuable, comes to the conclusion that a writer who is both learned and sensible has no marked qualities but learning and common sense. A critic, therefore, who has to any extent entered into the merits of by far the most remarkable historical work which has been published in English during the last quarter of a century, can do no better service to his readers than to attempt to make clear that Professor Stubbs is something much more than a man learned beyond all others in the history of England, and that he has, if not all, some, at least, of the rarest gifts which go to make up an historian of the first rank. Nor ought a judicious reviewer to find any insuperable difficulty in making intelligent readers perceive that Professor Stubbs has at least two historical gifts which are lacking to many authors who are not deficient either in learning or in good sense.

Of these gifts the first is a keen appreciation of character. Mr. Stubbs's style, which, though not wanting in force or terseness, is nevertheless deficient in emphasis and singularly unepigrammatic, may, indeed, hide from a careless student how considerable is the professor's skill in the analysis of character, yet we defy any one to read his estimate of Henry V. without seeing that the professor really understands a man whose merits were as easily understood by his own age as they are hard to be understood by men of the nineteenth century. The passage to which we refer is too long for quotation, but the following part of it gives a specimen, though, from its fragmentary character, an inadequate specimen, of the professor's capacity in this field :

"If," he writes, "we set aside the charges of sacrificing the welfare of his country to an unjustifiable war of aggression, and of being a religious persecutor, Henry V. stands before us as one of the greatest and purest characters in English history—a figure not unworthy to be placed by the side of Edward I. No sovereign who ever reigned has won from contemporary writers such a singular unison of praises. He was religious, pure in life, temperate, liberal, careful and yet splendid, merciful, truthful, and honorable; 'discreet in word, provident in counsel, prudent in judgment, modest in look, magnanimous in act'; a brilliant soldier, a sound diplomatist, an able organizer and consolidator of all forces at his command; the restorer of the English navy, the founder of our military, international, and maritime law. A true Englishman, with all the greatnesses and none of the glaring faults of his Plantagenet ancestors, he stands forth as the typical mediæval hero. At the same time he is a laborious man of business, a self-denying and hardy warrior, a cultivated scholar, and a most devout and charitable Christian."

When after reading this passage we take into account that Mr. Stubbs, without any use either of special pleading or of paradox, shows that Henry V. was a persecutor who did not love persecution, and that in undertaking the war which exhausted England and inflicted untold misery on France, Henry acted in accordance with the moral feeling of his age, we feel that the professor has rendered the greatest service which an historian can perform, and has made plain to a generation utterly unlike that which admired Henry, why he really deserved admiration. To do this is not only to explain a ruler who seems at first to modern readers a mere fighter who fought for fighting's sake, but it is also to interpret the feelings of one century to the men of another and quite different era. For to understand Henry V. is to understand the age of which he was a hero; and the real difficulty to students in seeing how it can be that, without denying the truth of a single moral principle to which modern philanthropists attach value, we may yet admire a king who "renewed a great war which, according to modern ideas, was without justification in its

origin and continuance," is at bottom the difficulty which every candid thinker must feel in entering into the merits of the civilization (if civilization it can be called) existing in the middle ages. This difficulty will never be removed or even lightened until readers realize that it is one of the penalties which not only great men but also generations with any touch of virtue "must pay for their greatness, that they have to be judged by posterity according to a standard which they themselves could not have recognized, because it was by their greatness that the standard itself was created." When this is clear, Henry and Henry's contemporaries become at least comprehensible. The technicality, the love of war, the religious intolerance which mark the man and the age, are seen not to be inconsistent with a sense of honor, of justice, and of generosity. A further result follows, which Professor Stubbs, unlike the crowd of paradox-mongers who despise modern civilization to enhance the merits of feudal barbarism, never dreams of concealing. Admit, as you must, that Henry V. was the ideal king of his time, that his policy in church and state seemed admirable to the men of his age just where they are most justly condemned by the conscience of later centuries, and you are compelled to admit that the mediæval ideal was not only defective but in many respects utterly vicious. If Henry's greatness was followed by a period of national calamity, half at least of the cause of the sudden change from prosperity to misery was that the society of which Henry was the head was doomed to break up from its own vices.

The second historical gift with which Professor Stubbs is endowed is the capacity for seizing the important features of an epoch. The power to do this is different from insight into the peculiarities of character, and is found lacking in men who can draw brilliant and truthful pictures of individuals. In no instance is Mr. Stubbs's special talent shown to greater advantage than in his treatment of constitutional history under the house of Lancaster. The period is one of dreary confusion. Warfare without generalship alternates with revolutions without statesmanship. The virtues of Henry VI. are scarcely sufficient to make his weakness pathetic, and the undoubted capacity of Edward IV. is not sufficient to atone, even in the lenient eyes of posterity, for his reckless selfishness. Amidst the din of battles and the perplexities of intrigues the reader feels as if the years which are filled up by the Wars of the Roses were a period marked by no feature but that of aimless turmoil, yet Mr. Stubbs shows that the rise and the fall of the house of Lancaster have, from a constitutional point of view, a singular significance. The Lancastrian kings were constitutional monarchs, who *bona fide* attempted to carry out what may fairly be called a constitutional system of government. The experiment whether the nation was fit for a system of government in which Parliament, if not supreme, should play a leading part, was tried and ended in failure. That the attempt failed was owing in part to accidents such as the weakness of Henry VI. and the results of the French wars, but Mr. Stubbs shows clearly enough that the reaction against constitutionalism which was represented by the house of York arose from a more permanent cause than the defects of a particular sovereign or the calamities of a particular era. What the mass of the people needed was a government powerful enough to protect the weak against the strong. Parliamentary rule under the influence of nobles could not supply protection against the tyranny of the great and powerful. To use modern phrases, which have far more meaning when applied to the middle ages than when employed with reference to present times, what the nation needed was "order" rather than liberty. When at last the Wars of the Roses ended on the field of Bosworth, the Crown became the representative and the guarantee of orderly government.

At this point Professor Stubbs's history pauses, yet even as it is he throws great light on the characteristics of the age on which he does not enter. As we read his pages we understand how good men and wise men and brave men could transfer to a king like Henry VIII. the kind of loyalty which in modern times is felt by all rational men not towards the crown but towards the law, and we can at least see how great was the temptation to think that the prosperity of the nation was bound up with the power of the crown. Professor Stubbs has paused in his task at a moment when constitutionalism was under a cloud. There is no living writer so capable of tracing the steps by which the forms of the constitution were kept alive under the reigns of the Tudors, and by which the spirit of Parliament revived with new vigor to resist the attacks, and at last to overthrow the power, of the Stuarts. He is the one living writer who combines the knowledge, calmness, fairness, and breadth of view needed in one who traces, in accordance with modern knowledge, the full growth and development of the English Constitution. We cannot believe that he will leave unfinished his half-completed work.

\* 'The Constitutional History of England. By William Stubbs, M.A., Regius Professor of Modern History.' Vol. 3. London and New York: Macmillan & Co.

## BEDOUE TRIBES OF THE EUPHRATES.\*

CERTAINLY an Englishwoman is the queen of travellers. She sets off for the Euphrates and the Bedouin tribes, moved by no other stimulus than a general intelligent curiosity ; she is prepared to be on horse-back or camel-back all day, and to sleep at night, by preference, *on* the roof rather than *under* it ; she has neither personal attendant nor commissariat, but follows the Napoleonic principle of getting her supplies from the country she traverses. If her saddle is out of order, she restuffs it ; if the horses are noisy at night, she goes down to the courtyard and strengthens matters ; she is up to her work every day, and finds abundant compensation for any little discomforts in the open-air life and "the feeling of absolute ownership one has in each spot of ground one camps on. . . . Here in the desert it is absolute and complete, even to the closing up of rights of way ; for one is at liberty to treat all comers, if one likes, as enemies, and to bid them be off. Not that at present we have hostile feelings towards any one ; only it is nice to think that even the keeping of the peace depends on our good will and pleasure, not on the law of the land."

Ladies, ambitious of "the higher education," see what long centuries of civilization may bring you to !

Lady Anne Blunt and her husband (presumably) set sail for Aleppo, or its seaport Scanderoon, like mediæval merchants, not seeking ambergris or pearls, but the tribes and the horses of the desert. They provide themselves at Aleppo with a tent, "largely the work of my own (Lady Anne's) hands," horses, presents consisting of cloak, boots, tobacco, and sugar; hire a cook, who proves a treasure, and set off on January 9, 1878, at first through cultivated ground. On the second day they follow "a kind of road or track leading across a perfectly level plain. The loose stones had disappeared and our path was over a light, crisp soil thinly covered with grass." There were mole-hills and jerboa-holes ; "except for these, the most beautiful galloping ground conceivable." Toward nightfall they reach the Euphrates, at that point about five miles wide, lying in a deep, broad cutting, perhaps a hundred and fifty feet below the level of the plain.

"The valley is a long, level meadow, green as emerald, and covered with flocks of sheep. We counted twenty of them, with perhaps a thousand sheep in each." "We could see the river winding to and fro in this great meadow, far away, fringed with a deep brown belt of tamarisks, in great curves and reaches."

The travellers follow the right bank of the river, which hereabout ran nearly due east, passing many ruined castles, and finding plenty of game — francolins, rock-pigeons, red geese, etc., until, as they approach Deyr, they are urgently invited to the house of the Governor, Huseyn. It being presently apparent that a part of his hospitable intention is to hinder their visit to the desert tribe of the Ánazeh, which was their main object, the travellers disregard the alarming stories which Huseyn tells, and join a caravan *en route* for Bagdad. The journey occupied nine days, but had sundry diversifications. Once "a venerable-looking man with a long, white beard, and the remains of a green turban on his head," greets them gravely with "Starboard, port, god dam"; explains that he knows their language and had served in Col. Chesney's expedition forty years before, and then mysteriously vanishes. The travellers eat their "first really Bedouin meal," an unspeakably nasty mess of butter, dough, tallow, and boiled mutton. Lady Anne passes the towns of Hitt and Jebbah, and finds them, "of course," the cities of the Hittites and the Jebusites, and also sees the place where it is "most likely" that Noah built the ark, because *pitch*—i. e., bitumen—springs were so conveniently near ; "so that it is foolish, though it appears to be the fashion, to put down the account in Genesis as fabulous." Snow falls, and the weather is severely cold (February 9) ; a wolf is hunted and wounded, and thus variously with sport and archaeology they beguile the way till "the City of the Caliphs loomed through the driving rain, a grimy and squalid line of mud houses, rising out of a sea of mud." They go directly to the English Residency and rejoice in the appliances of civilization. Bagdad is described as utterly desolate and decayed, and suffering alternately from the rapacity of evil-minded governors and the folly of the better disposed. Ruins and mosques are unvisited, but the travellers buy "four fine young camels, capitally matched, and said to be fast walkers, at ten pounds apiece, a she dromedary, and a white ass," and slipping off to the country-house of the Nawáb Ikbálet Dówlah, they silently steal away.

From Bagdad the party take a route nearly north, finally turning

\* "Bedouin Tribes of the Euphrates. By Lady Anne Blunt." Edited, with a preface and some account of the Arabs and their horses, by W. S. B. Map and sketches by the author. New York : Harper & Bros. 1878.

west at a sharp angle, and on the 14th of March reach the tents of Faris, chief of the Shammar, who welcomes them "with a smile which had so much honesty and good will in it that we felt at once that we were safe in his hands," so that they think they have found at last what they have hitherto sought in vain, "a gentleman of the desert." In person Faris is small, as a true Bedouin should be ; but he is a model of grace, and strength, and activity. On horseback there is no one of the tribe that can come near him. "Wilfrid" makes himself so delightful to this chieftain that Faris takes with him the oath of brotherhood, which binds them to each other's help and service "to-day, to-morrow, and hereafter." After five days with the Shammar the travellers make a push for Deyr again, as they expect there to meet the friendly consul, renew their credit, and generally put themselves to rights. The over-hospitable Huseyn again attempts to detain them, and Mr. S., the consul, does not arrive, but after some delay and some diplomacy the party gets away from Deyr, and succeeds in reaching the encampment of the Ánazeh, and Jedáan, their chief, who compares but ill with the handsome Faris. As they move along with the tribe they make acquaintance of the sheikh of a minor sept, Ferhan, who has "something in his air which points him out at once as a man of rank and breeding." He has distinguished manners, and resembles a Spaniard of the very best type. He ranks next to "the five great families of absolute nobility" whom Lady Anne's soul yearns after, and tells her that the five families are thus distinguished because they had "at all times killed a lamb for their guests. The rest of us have only learned to do so." More travelling with the tribe, much chaffering for horses, a suggestion that Lady Anne should act as diplomatic agent to an estranged portion of the tribe, apprehension of robbers, dinners to the chief, presents judiciously applied, and at last, April 11, the travellers set their faces homeward, taking Damascus by the way.

Better travellers could not be, as far as endurance and determination make good travellers. Nevertheless, the book is somewhat hard reading. The absence of vivid description becomes a weariness ; the reader must make an effort to remember just what point he has reached, and the attitude of voluntary attention must be maintained longer than is comfortable. The final chapters, added by "Wilfrid," give a good deal of valuable information as to the breeds and qualities of Arabian horses and the honesty of their owners. He describes the desert as splendid with flowers in February and early March—"tulips, marigolds, asters, irises, and, most beautiful of all, certain pink wallflowers, cousins each of them to our garden plants, for it was from the desert, doubtless, that the Crusaders brought many of those we now consider essentially English flowers. Through this, as through a garden, the vast herds of camels, with their attendant Bedouins, move slowly all the spring, and the mares grow fat upon a certain crisp grass that grows among the purple stock, fine and dry and sweet as sugar." Of the limited mental horizon, the noisy, monotonous life, the decent morality of the desert tribes, some account is given, and it strikes us that the last five chapters should be at the beginning, not at the end of the book.

## READ'S THEORY OF LOGIC.\*

THIS work is the fruit of a travelling scholarship. But in all his travels the author seems never to have come across any modern logic, except in English. Three views, he observes, have been taken of logic ; which, if limited to England, is true. Some writers consider it as a study of the operations of the understanding, thus bringing it into close relations with psychology. Others regard it as an analysis of the conditions which must be conformed to in the transformations of verbal expressions in order to avoid the introduction of falsehood. While others again—our author among them—think the propositions of logic are facts concerning the things reasoned about.

There is certainly this to be said in favor of the last opinion, namely, that the question of the validity of any kind of reasoning is the question how frequently a conclusion of a certain sort will be true when premises of a certain sort are true ; and this is a question of fact, of how things are, not of how we think. But, granted that the principles of logic are facts, how do they differ from other facts ? For facts, in this view, should separate themselves into two classes, those of which logic itself takes cognizance and those which, if needed, have to be set up in the premises. It is just as if we were to insist that the principles of law were facts ; in that case we should have to distinguish between the facts which the court would lay down and those which must be brought out in the testimony. What, then, are

\* "The Theory of Logic : an Essay. By Carveth Read." London, 1878.

the facts which logic permits us to dispense with stating in our premises? Clearly those which may always be taken for granted: namely, those which we cannot consistently doubt, if reasoning is to go on at all: for example, all that is implied in the existence of doubt and of belief, and of the passage from one to the other, of truth and of falsehood, of reality, etc. Mr. Read, however, recognizes no such distinction between logical principles and other facts. For him logic simply embraces the most general laws of nature. For instance, he recognizes as a logical principle the law of the conservation of energy, which is even yet hardly set beyond all doubt. If he excludes the laws of geometry, as being "quantitative," it is by an ill-founded distinction. If he does not mention the law of gravitation nor the existence of a luminiferous ether as logical principles, it must probably be because he thinks them less general truths than the laws of motion.

The especial purpose of the book is to arrange the principles of logic, considered as matters of fact, in regular order, beginning with the most abstract and general, and proceeding towards the particulars. In short, it is an attempt to give a syllabus of the most general laws of nature. This is a well-conceived idea.

After the introduction, the first chapter treats of *Relation*. We notice immediately the illogic of thus making relation the most abstract of facts. Existence should come first and quality next; no competent logician, however he might modify this statement, will deny its approximate truth. Why does Mr. Read not begin with *Being*? Is it because the writers he follows greatly insist on the point that existence and qualities depend on relations? There is this dependence, no doubt; the abstract and general always depend on the concrete and particular. But having undertaken to arrange the subject in synthetical order, which consists in putting the abstract before the concrete, Mr. Read should not violate the principle of arrangement at the very outset. Turning, however, to the substance of the chapter, we are told that relation cannot be defined. This is not exact; it can and has been defined; but what is true is that it cannot be defined without considering the operations of the mind or the general nature of language. But the author is endeavoring to state the principles of logic without referring to either of these. He is, therefore, unable to explain the notion of relation, because to do so he must explicitly introduce those notions which he wishes to exclude. Not being able to define relation, he typifies it. This he does by the following figure—two spots united by a line:

•—————•  
But here he betrays a not altogether distinct conception of relation. These two spots are similarly related to one another. Now there are certainly relations of this kind. If A is like B, B is like A; if A is unlike B, B is unlike A, etc. But, generally speaking, two related objects are in different relations to one another. The relation of father to son, for example, is different from the relation of son to father. So that if we desire to make a sort of hieroglyph for relation in general, it should be something like this: A —> B.

We next meet with an enumeration of the ultimate modes of relation. These are stated to be three—viz. :

1. Likeness and unlikeness.
2. Succession and non-succession.
3. Coexistence and non-coexistence.

Succession is defined as unlikeness in time; and coexistence as likeness in time. If that be so, the second and third modes are not ultimate, but are only species of the first. Substituting the definitions for the terms defined, they are :

2. Unlikeness in time and non-unlikeness in time.
3. Likeness in time and non-likeness in time.

Hardly a model of synthetic orderliness.

But what does the author do with the great body of relations? What pigeon-holes has he for them in his scheme of arrangement? Take, for instance, the relation of striker to struck. A man's striking another constitutes certainly no resemblance between them. But neither is it an unlikeness, for a man may strike himself, and since he is then a striker only so far as he is struck, and *vice versa*, it is impossible to say that striker and struck are unlike. In short, the relation is neither a likeness nor an unlikeness, for the reason that both these latter are relations between objects similarly related to one another, while the relation of striker to struck, like most relations, is between dissimilarly related objects.

The few pages we have thus examined are a fair specimen of the

strength of the whole book. Its purpose is a sharply-defined one; its style is clear and free from verbiage; and if it is not a striking success, it is because its author is not thoroughly well grounded in his subject.

*The Libraries of California*, containing Descriptions of the principal private and public Libraries throughout the State. By Flora Haines Apponyi. (San Francisco: A. L. Bancroft & Co., 1878. 8vo, pp. 304.) —The range of this book is so broad that the author is in no danger of having her motives misconstrued. The great railroad and mining nabobs who form one end of the social scale of which Kearney and the hoodlums form the other, receive no incense-burning here but, so far as they are admitted at all, stand on a level with the humblest lover of books named in the "Collected Notes." In fact, we are more or less explicitly made aware in the preface that the task was undertaken as a protest against the materialism of the Pacific coast, and an incentive to the pursuit of higher ideals than those which find favor in circles to which the vulgar rich give tone. In a work which may be said, therefore, to have some of the qualities of a tract, the author was justified in including the free-thinker's "small collection," of which the chief merit appears to be that the books are "stout, clean, and to the purpose"; the library whose "notable feature is its lack of complete editions": that of the collector who "has made it a principle never to buy a book that he could obtain in a public library," and whose interesting assortment was "temporarily packed away"; along with the working libraries of professional men, the showcases of the millionaires, and the few large and intelligently selected libraries of specialists, of which the account, evidently by the owners themselves, makes the volume valuable to scholars and bibliophiles as well as to the social philosopher.

There is, in point of size, a great gap between Mr. Hubert H. Bancroft's and the next best library. He reports 20,000 volumes, MSS., pamphlets, and maps, and 200,000 copies of Pacific Coast journals, for which an index of subjects has been prepared at his expense. Forty-eight pages are filled with the description of the riches of this truly unparalleled collection, whose reason for existence was long since given to the world in the 'Native Races of the Pacific Coast.' The MSS. consist of ancient Spanish-American originals and, to an enormous extent, of copies and digests directed by the historian. The spoils of Maximilian's library are gathered here. The library of "P. C." perhaps second to Mr. Bancroft's, is, among other lines, devoted to the imprints of Aldus, Stephanus, and Elzevir, reckoning 1,500 volumes of the last-named. An ardent student of language has a fine polyglot collection which he is now engaged in mastering: an admirer of Dickens possesses more than 2,300 illustrations of his works; a lover of the stage delights in large photographs of actors and actresses, which fill a specially constructed album; another collector is happy in having 500 volumes, 1,000 pamphlets, and 2,000 engravings pertaining to the French Revolution, and "points with pride to several specimens of San Francisco bindings"; a "veteran San Francisco journalist" is busy over a history of the California press, to be followed by that of the St. Louis press, and then, "if he lives long enough," by that of the press of the United States. His plan is as heroic as it is novel: it is "to take up every important subject and occurrence—as, in our own State, the proceedings of the Vigilance Committee in the early days, political struggles, various resources of the State, mining developments and bubbles, etc.—and give the positions taken by the various newspapers at various times." Some of the collectors to whom separate articles are given might have been relegated to the briefer Notes, since what we may call the library fixings furnish the bulk of the notice. We are treated to such minutiae as the subjects of engravings on the walls, the size of Smyrna rugs, and the obscure beauties of the Old Masters; "in a good light," we are told of the St. Peter by Goya, "a tear can be seen coursing down one cheek."

The State Library is pre-eminent among the public libraries, and, indeed, with its 48,000 volumes, seems very well equipped. In the 16,300 volumes of the library of the University of California are included the late Dr. Francis Lieber's library. The Mercantile Library of San Francisco was rescued from bankruptcy and despair by a *deus ex machina* in the person of Camilla Urso, and by three legalized gift-concerts. We regret to learn that "the financial reverses of the Young Men's Christian Association have not contributed to the prosperity of the library," but this was perhaps hardly to be expected. A miscarriage of statistics in the mail leaves only the size of the library of the Academy of Sciences to be stated: it exceeds 16,000 volumes.

The aim of this work is so respectable, and the labor involved in it so

considerable, that we shall not dwell on the typographical and other errors which disfigure those portions for which the author is mainly responsible. She has fairly earned the gratitude of her fellow-citizens.

*Aucassin et Nicolette.* Chantefable du 12me siècle, traduite par A. Bida. Revision du texte originale et préface par Gaston Paris. (Paris : Hachette & Cie.; New York : F. W. Chirstern. 1878.)—To one who reads history with human sympathies few things are more charming than the early songs which woke in France in the morning of the Renaissance, with their burden of courtesy, sentiment, and valor; and of these 'Aucassin and Nicolette' is one of the earliest and most delightful. Pure romance, woven of threads of Eastern fable, it is far removed from us in spirit; the childlike simplicity of its surrender to sentiment, its daring absurdities, in which the narrator seems almost to be satirizing something the essentially exquisite charm of which he knows only too well, the intangible magic that makes the marvellous influences of the Saracen captive seem natural, the playfulness in it all, belong to its own age and have vanished from ours. All this tests the catholicity and subtlety of the reader's taste; but if he is only amused at the infatuation of the amorous pair; if Aucassin going out to battle so lost in dreaming of his love that he is half-disarmed by his enemies before he wakes to his danger—if Nicolette descending from her prison-chamber in the fair night and escaping through the dewy garden, and stopping in the shadow to talk with Aucassin through the crevices of his dungeon and dispute with him whether he loves her more than she loves him, while the armed troop in search of her life passes by—if the lovers riding through the forest and the mountain passes, careless where they wander so they remain together, and coming to dismount at morning on the sea-shore where captivity is waiting for them both—if the childlessness in such experiences only amuses the reader, and he is moved by no finer emotion, there is much beside this left for him in the realism of natural description, the besieged town, the tower, the forest with the hut adorned with flowers through which the stars shine, the pastoral scene of Nicolette meeting the peasants, and many other details which are drawn with a vigor, sharpness, and delight in beauty for its own sake which are rare in later centuries. It is impossible to describe in a brief space the various and refined interest which pervades the poem—Mr. Pater has failed to do so in his well-known essay; but now that it has been translated into modern French excellently, and is accessible to any one willing to give to it half an evening, it should become familiar to all lovers of graceful sentiment and simple nature. This version is not literal, but conveys the spirit of the original in a paraphrase in parts, while in other parts it approaches nearer the text. It is illustrated by the translator and contains the revised text of M. Gaston Paris, with an entertaining and instructive preface also by him.

*Socrates.* A translation of the 'Apology,' 'Crito,' and parts of the 'Phædo' of Plato. (New York : Chas. Scribner's Sons. 1879.)—The aim of this volume is to make the personality, the individual qualities of Socrates, known to its readers, and, therefore, only those parts of Plato have been selected which possess a biographic interest apart from philosophy. This was work worth doing, and undoubtedly any one who wishes to know what manner of man Socrates was cannot do better than learn from this convenient book, and its preface by Prof. Goodwin, what his contemporaries said about him. The translation itself is not, of course, to be compared even remotely with the literary power of Prof. Jowett's, but it is clear and trustworthy, and if, after reading it, one should read also Xenophon's description of his master, he would possess the clearest knowledge attainable of Socrates biographically, and most readers, we fancy, would be surprised at the entertainment as well as instruction to be so simply derived in regard to a man whose name is known so much more widely than his worth.

*A Holiday Tour in Europe.* Described in a Series of Letters written for the *Public Ledger* during the summer and autumn of 1878 by Joel Cook, "J. C." (Philadelphia : J. B. Lippincott & Co. 1879.)—Philadelphians always dwell lovingly on the old-fashioned 'American in Paris' of forty years ago, by John Sanderson, so well hit off by the late Dr. Chapman as "too broad but not long enough," and they will now welcome this modest volume as a record of the changes that have marked the lapse of years, both in morals and in manners. Mr. Cook's keen scent for useful information and his accurate knowledge of home statistics are made to serve a useful purpose, notably in his comparison of taxation in Lon-

don and Philadelphia. As he pithily puts the case, in the former city a property worth \$50,000 pays \$125 in taxes. Of this \$69 is for poor-rates and \$56 for all other municipal charges, the poor-rate being paid quarterly, the others half-yearly. Not only would this property in Philadelphia pay eight or nine hundred dollars in taxes, but in London there is an actual reduction in consideration of the improvements. Then, again, London collects revenue from its streets over and above the cost of cleaning them, besides that from cabs, omnibuses, railways, steamers, markets, and franchises, while it gives its inhabitants such pavements, gas, and sewerage as would put the best American town (to say nothing of Philadelphia) to the blush. The true Philadelphian comes out again in the reference to the new Palace of Justice in Brussels, "as large as our public buildings at Broad and Market streets," eleven years building and costing thirteen millions of dollars; and a local prejudice of a little broader reach, but not going beyond the Commonwealth of Pennsylvania, finds the Rhine "a reminder of much similar scenery on the upper Allegheny," barring the castles and vines, the legends and the population. Even the mosquitoes on the Lake of the Four Cantons serve to point a moral of endurance for the Philadelphia reader who was suffering from them at home in September too. The Swiss mountains found no answering echo in the bosom of the *Ledger* correspondent; but the busy scene of Lyons, with its manufacturing done in the workmen's houses, and its Sunday election with lively charges of fraud, are described with great vivacity and in a way to enable the reader to make his own comparisons. The book is an interesting recital of the sort of sight-seeing that most commends itself to the American in search of change from home work and home scenes.

*The Commercial Products of the Sea.* By P. L. Simmonds, Editor of the *Journal of Applied Science*, etc. With thirty-two illustrations. (New York : D. Appleton & Co. 1879. 12mo, pp. viii. 484.)—'Food Products of the Sea'—fishes, namely, *bêche-de-mer* or trepang, and various edible mollusca; "Marine Contributions to Industry," as sponges, oils, isinglass, seaweed, shells, and salt; and "Marine Contributions to Art," in the shape of coral, amber, tortoise-shell, pearls, and mother-of-pearl; these are the three divisions and the chief topics of Mr. Simmonds's book. It is of English origin, being made up of papers contributed to the author's own and to other serial publications. Recent statistics are given of the various industries described, and of their products; and there are glimpses, too, of some of the correlations between the world of fishes and of men. France, for instance, offers bounties to her fishermen, paying about 540,000 francs a year, or £2 to each man engaged in the fisheries in British America; "an expensive process, but it is alleged that it would cost twice as much to train an equal number of men for the navy in any other way. In 1861 a French commission appointed to enquire into the deep-sea fisheries said in their report: 'It is on fisheries that at this day repose all the most serious hopes of our maritime enlistments.'" Railroad traffic, again, has greatly increased the consumption of fish. "Before the Eastern Counties Railway was constructed, the transport of fish from Yarmouth to London was effected by light vans drawn by post-horses, and the quantity amounted to about 2,000 tons a year. Nearly double that quantity is now conveyed to London and the great manufacturing towns in the course of a fortnight. . . . The increase of fishing power brought of late years to bear upon the sea is equally remarkable." The most noticeable deficiency in this book is that of any sufficient account of the seal-fishery—a purposed but injurious omission. Mr. Henry W. Elliott has given, under the unpromising title of 'A Report upon the Condition of Affairs in Alaska' (Washington, 1875), a full account of the fur-seal and of his habits, which more closely resemble a human polity than that of any other gregarious animal. It is Mr. Simmonds's misfortune that he has not apparently read that very interesting description. For the rest, his book covers much ground carefully, and reconciles instruction with entertainment better than most books of its class.

*Patchwork.* By Frederick Locker. (London : Smith, Elder & Co. 1879. Pp. 234.)—Mr. Locker is already well known to American readers as the author of 'London Lyrics,' a little volume which contains some of the best *vers de société* of our time, and as the editor of 'Lyra Elegantiarum,' a book into which he had collected nearly all the good specimens of that difficult form of poetry in our language by authors not living. The same skill which made the latter volume a model of what a special collection of verse should be is visible in 'Patchwork,' which is, however, not wholly a compilation, for Mr. Locker now and again introduces some

of his own writing—a brief and pungent little essay, or a line or two of apt comment on a quoted rhyme or smart saying. He intimates in his preface that 'Patchwork' is really but a few "leaves from his commonplace book," under which title the volume was at first announced; and he also suggests that although some may hold "that a commonplace book is a book kept by a commonplace person," and therefore but a miscellaneous and aimless gathering of fragments, yet as this gathering was made to please one person only it may perhaps thereby have a more individual flavor in general lacking in such compilations; and this is really the case. Mr. Locker draws from out his store of autographs letters of Swift and of Fielding and of Steele hitherto unprinted, and poems of Wordsworth in their early form; and he flanks this prose and verse of the past with Dr. Holmes' "Last Leaf" and Mr. Lowell's "Within and Without" and Mr. Austin Dobson's "Love Letter," and with four new London Lyrics of his own not to be found in the American edition of his poems.

Of jests either single or grouped together by unity of subject there is great variety and, on the whole, much merit. None of them are broad or in bad taste. Few, if any, are cheap or weak. The weakest are the poor fatherless bantlings which are laid at the broad door of America. Many of them have not appeared in print before; these are among the best in the book, and several of them have already been borrowed since the publication of the volume to serve as legends for the vigorous designs on wood of Mr. Charles Keene in recent numbers of *Punch*. Two or three of Mr. Locker's brief anecdotes may be quoted as specimens. Some one remarked of the portrait of the Rev. Holwell Carr (who, tradition declares, was a carping and sceptical art-critic) that it looked as if in the act of saying, "Yes, but the original is in the Borghese Gallery." Another clergyman, we are told, was chuching a lady of very distinguished rank, and in consequence modified the formula thus: "God save this *lady* [woman], thy servant." His clerk was also equal to the occasion, for he added: "Who putteth *her ladyship's* trust in thee." It is a pity that Mr. Locker did not immediately follow this story with an anecdote which we presently come upon about a dignitary of the Greek Church who ventured to alter the form of his ritual. The historian who relates the event gravely remarks: "And his congregation, justly incensed, tore their bishop to pieces." But the gem of the whole collection tells of an American diplomatist, a very genial and social being, who made the round of the sights soon after his arrival in London, and, of course, included Madame Tussaud among the number. "And what do you think of our wax-work?" asked a friend. "Well," replied the General, "it struck me as being very like any ordinary English party."

*Stock Breeding: A Practical Treatise on the Application of the Laws of Development and Heredity to the Improvement and Breeding of Domestic Animals.* By Manly Miles, M.D. (New York: D. Appleton & Co. 1879.)—This is a commendable and more than usually successful attempt to translate the teachings of scientific investigators into the language of common life, and to bring their discoveries to the service of practical men. It differs greatly from previous farm-books on the subject of breeding, especially in the prominence it gives to the influence of *heredity*—through its various tendencies to produce likeness; to produce variety; and to reproduce lost ancestral characters. These are the three agencies by which the thoughtful breeder, bent on the improvement of a race, must seek to gain his end. Only the first of them enters into the calculations of the average farmer. But the average farmer is hardly to be called a stock-breeder; as a rule he is only a multiplier. He pins his faith to the theory that "like begets like," and by selecting always the best parents, he produces a creditable average result. If he is a good feeder he improves the average quality of his stock.

The better breeder, who looks for something beyond improved averages, and seeks a radical and fixed advance beyond the foremost point yet reached, must have a quick apprehension of the meaning and tendency of those slight variations which, even in thoroughbred animals, distinguish progeny from parents. It is through this channel that his road to success must lie—through recognizing a promising deviation from the present type, and fixing the divergence. In addition to this he must, so far as his knowledge of antecedent pedigrees makes it possible, study the value and importance of good or bad qualities which have died out from earlier generations. When these recur—by what the moderns call *atavism*, and what old breeders call "throwing-back"—he must determine their advantages and disadvantages, and discard or foster them accordingly. Prof. Miles sets forth the present state of knowledge on these subjects with much clearness, though in his illustrations he has perhaps been mis-

led into attaching too much importance to occurrences which may have been mere coincidences. A recent writer has illustrated this defect as follows: "If a number of players are throwing three dice, and one should throw three sixes, that combination would attract more attention than perhaps any other, though it is precisely as likely to occur as any other combination of three." In breeding we must always guard against attaching too much importance to the recurrence of striking defects or merits. Having the desired type thoroughly fixed in the mind, we should cherish every characteristic that approaches it, and reject every one that deviates from it, whether they seem to be important or not, for the characteristics of an animal are of more consequence in their relation to the whole result than they are in themselves alone.

In all breeding nothing is of greater service than such a chart of the pedigree as will show the interlacing of the different strains of original blood. Prof. Miles has devised a system of charting which would of itself be an ample justification of his work. Aside from these more recondite elements of the subject, the book treats in a practical and suggestive way the better-known rules and processes of the breeder's art. It will probably be accepted as of decided value to the better class of agriculturists.

## Fine Arts.

### EXHIBITION BY THE SOCIETY OF AMERICAN ARTISTS.—II.

**A**N effort to demonstrate to the public, as at the Kurtz Gallery just closed, what are the primary effects sought by a proficient in art technic, is certain to be misunderstood by most spectators. These primary effects are in the nature of a workman's secret; their success or shortcoming is never truly viewed but by the professional. The person of mere social or travelled culture, the "person of taste," whom Whistler so witheringly anathematizes, may think he sees a great deal in a work of art, but he never sees the real mystery. He divides his admiration between the dramatic expressiveness of a picture (a thing too external and too much allied to literature to engage the best sympathies of an art proficient) and a kind of polish which he calls finish, and which may be really the reverse of finish, being the cold elaboration of surfaces under which the real fire of the conception is choking to death. On the one side, the technical proficient sees during the progress of a sketch some daring stroke which has succeeded in conveying at a blow all that a stroke may convey of attitude, of movement, of form, of unmixed and untempered color; the professional economy of the touch takes his eye; so much is got by so little waste of effort! To an expert the masterly stroke tells everything; let the stroke be retouched and finished into softness and roundness, there is not only a waste of concise expression, but there is the inevitable opacity and dulness and color-loss always accompanying tormented workmanship. To the professional the mended stroke is a stroke enfeebled, and rather basely modified to conciliate the fogies. A remark made by such an economist of art-labor showed his point of view:

"My sketch tells the greatest number of facts about nature that the touches I have used can convey. By this kind of breadth I get atmosphere, the just relation of values, and the live movement of my objects. I see no use in carrying the thing further, so as to explain myself to those who really know nothing about art. The things I admire in nature are just those things—its live movement in organic objects, its values, and its luminous atmosphere. Having expressed these I do not see why my picture is not done."

The picture so defended would be, it goes without saying, one of those patchworks of flat tints and vigorous indications which are the puzzle of the "man of taste"; but every touch might be a master-stroke of reserved force to the eye of a brother artist. To set against this *credo* of a painter by indications there might be quoted the lament lately made by a landscapist who fully appreciates the vigor of the most summary technic, but whose own aim is at something different. Bringing out a preparatory sketch which was full of light, of breadth, and of strength, and which was already a finished masterpiece for an impressionist, he said discontentedly:

"I shall never satisfy myself until I get all of this luminous quality, without the least loss, into my thoroughly-finished canvases; it is so easy to be luminous in a broad sketch—my first sketches always are luminous. But when I look at nature it permits me to examine into its details without detecting paint-strokes. Nature is brilliant and pure-colored without showing the technical carpenter-work by which brilliancy and color

are got. I must carry those qualities into canvases which do not invite the eye to study their clever strokes; I shall not be content with pictures that are mere brags of technic."

The greater number of the efforts at the Society's exhibition are willing to halt at the stage where art displays a few telling touches, whose adequacy can only be estimated by artists. The pictures are epigrams. To produce a canvas in which the workmanlike directness is quite preserved, at the same time that workmanlike methods are not made conspicuous, seems almost too much to ask of humanity. Remembering that Velasquez did it, however, we need not quite despair, and meantime may acknowledge that technical economy of stroke is a good and refreshing thing to see, and that there was a large quantity of it in the late exhibition, where the professionals met to dare each other to gymnastic feats of pure "method." As the entire collection goes to Philadelphia this month, we have the advantage of being able to consider it as a continued exhibition.

The "Interior" (117) by Whistler is perfectly successful, from the point of view of its intentions. It is a dim room in which none of the shadows are opaque or black, but always let you seem to see more and more as you peer into them. In this adumbration the objects, each at its own plane, partake in proper degree of the greater or lesser illumination, and are solid and real though but half-glimpsed. On going up to it the picture falls to pieces entirely, letting you know that it is a magician who is working before your eyes, not an arranger of puppets. Miss Mary Cassatt's portrait of "Mrs. Cassatt" (99) is an admirable work of indicative painting: it is constructed as if on a wager to tell the greatest number of truths with the smallest number of strokes; and yet—a characteristic in which this showpiece of good French technic differs from the superficial Munich technic all around—there is a recognition of the essentials of anatomy, and the stroke that defines a cartilage, or a knuckle, or a muscle has its own summary way of specifying what is the organic structure it means to express. "A Spanish Beggar" (122), by Humphrey Moore, is a good and brilliant preparation for still better and more brilliant work to be done when the artist is older. Every plane, value, and fact of modelling on the bare torso is well put in place, the unifying and connecting finish being omitted by design. The "Court-yard in the Trastevere" (66), by Mr. Sartain, is one of the most intensely real and solid reproductions of the effect of stonework in tempered sunlight that we know to have been achieved by an American painter. Without the least trick or exaggeration it perfectly gives quality, texture, and substance; it stands beside the somewhat rare architectural subjects of Corot (hardly known in this country, perhaps) in its perfectly honest rendering of frank daylight playing over enduring architecture. Mr. Tiffany's scenes in broad sunshine are successful, too, this year, and he has come nearer to the wished-for trick of conveying, by the sleight of the "luminarist," a dazzle of blinking sun than he ever did before. Mr. Twachtman's "Venetian" boat (67) bathes in real, deep, transparent brine, enriched with profound sun-gilt shadows;

and Mr. Low's "Cloudy Weather on the Seine" (16) shows us a full-fed tide that floats its river-boat with a satisfactory appearance of supporting power and levelled repleteness. We cannot omit all mention of the graceful ease and breadth of Mr. Wordsworth Thompson's figure-groups in his "Rappahannock" (145); nor ought we to grudge a quick tribute to Mr. Fussell's "Friends' Meeting" (5), whose rich soberness of color somehow recalls Titian's row of bishops' backs in the Louvre.

Mr. La Farge contributes two little pictures that partake of the magical, and fix for him a level from which he must henceforth take heed never to fall. The "Cactus on a Pearl-shell" (115) is a silky web of rays of light, defining the pearl and petal textures with the most subtle and penetrating conciseness; the appeal to what we love in flowers is so sharp, so quickly done, that we are perforce reminded of Othello's blossom "that the sense ached at"; to relieve us a little, though, and show himself human, the painter underlines this success with another effort (116), in which his flower-painting sinks to the mere bric-à-brac artist's enamel and ivory chips. His "Anadyomene," a miniature work, is the most beautiful fancy we recollect from his pencils; perfect in color, movement, and pagan grace, this soft page seems like the devoutest of missal-painting applied to the illustration of the Greek anthology. Another mystic, Mr. Albert Ryder, contributes at least one success, a female figure straying through a deep wood, and, with the wood-spaces, quite bathed in the red sunset. The hitting of this particular effect was a curious instance of premonitory sympathy. When he had finished it he was reminded by his comrade, Marshall, the engraver, that he had done something precisely in the vein of an Italian artist whom all the French painters raved over, and whose works, never bought for galleries, were stuck up in paint-shops to tempt the modest purses of artists. The Italian in question was Monticelli, then quite unknown to Mr. Ryder. When Messrs. Cottier & Co., by their exhibition of a group of the Italian's caprices, created a Monticelli craze in this country, Mr. Ryder's admirer recalled the name and the style, and dragged the New York artist into the presence of his prototype; but the American painter's work was long since finished and dry, and the seeming imitation was a mere example of unconsciously congenial parallelism.

His friend, Mr. Baur, a sculptor, contributes a sketch of a Silenus, most profoundly and successfully asleep; if the artist can carry out the intensity of the sketch into an adequate thoroughness of finish, he will give us one of the best possible pendants to the famous Pompeian lamp-holder. Mr. O'Donovan, among a quantity of admirable portraits, exhibits one miniature head of a Boy (156), which is full of a fleeting grace and delicacy most hard to fix, reminding us of the most innocent of the boy-choristers of Luca della Robbia; Mr. St. Gaudens's bronze portrait-plaques are striking, quaint, and spirited in treatment, and Mr. Warner's marble "Twilight" (148), though not quite successful in reconciling the impertinent realism of the model with the abstracted canons of the ideal, confers on us a decorative statuette beyond the usual merit of our national work in this kind.

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